



ONTARIO COURT OF JUSTICE

JUSTICE OF THE PEACE

EDUCATION PLAN

Effective date: 24 March 2025

Introduction

Formal education for justice of the peace bench is essential for the performance of the justice system and the maintenance of public trust and confidence in it.

The Education Plan (or alternatively “the Plan”) for the justices of the peace of the Ontario Court of Justice (OCJ) encompasses extensive initial education and mentoring of newly appointed justices of the peace, as well as mandatory annual continuing education programs for all justices of the peace.

The goals of the initial education and mentoring program are:

- to develop the personal and professional competence and skills necessary to exercise judicial responsibilities in an independent and impartial manner, and to ensure the proper administration of justice;
- to develop an understanding of the legal issues and substantive law in areas in which a justice of the peace is required to exercise jurisdiction;
- to preserve and enhance the judicial system’s fairness, integrity and impartiality by eliminating bias and prejudice; and
- to develop and maintain judicial independence.

The goals of the continuing education programs are:

- to ensure justices of the peace maintain and advance professional competence in areas of procedural and substantive law;
- to improve social and cultural awareness in order to preserve and enhance the judicial system’s fairness, integrity and impartiality by eliminating bias and prejudice; and
- to encourage personal and professional growth.

Advisory Committee on Education

The coordination of the planning and presentation of education programs is supported by the Advisory Committee on Education (ACE or “the Committee”).

The Committee includes the Associate Chief Justice Co-ordinator of Justices of the Peace as Chair (*ex officio*), the Senior Advisory Justice of the Peace (SAJP), the Senior Justice of the Peace (SJP), who advises on issues pertaining to the education and mentoring of newly appointed justices of the peace, justices of the peace from each region, and two representatives of the Association of Justices of the Peace of Ontario (AJPO). The Senior Indigenous Justice of the Peace (SIJP) is also a member of the Committee and is involved in developing education programs designed specifically for Indigenous justices of the peace. The Committee's membership also includes two bilingual (French/English) justices of the peace who are involved in developing education programs specifically for bilingual justices of the peace. Lastly, lawyers for the Office of the Chief Justice and the Centre for Judicial Research and Education (CJRE) also serve on the Committee.

The Committee meets approximately three times per year to discuss matters pertaining to education, review proposed education programs and make recommendations to the Associate Chief Justice Co-ordinator of Justices of the Peace on changes and additions to the programs.

Principles of the Education Plan

The Justice of the Peace Education Plan has been developed based on the following principles:

1. The Associate Chief Justice Co-ordinator of Justices of the Peace is responsible for establishing a plan for the continuing education of justices of the peace and implementing the plan once it has been approved by the Review Council: s. 14(1) *Justices of the Peace Act*. In turn, the Associate Chief Justice has delegated responsibility for coordinating the development and implementation of education programs to the SAJP.
2. Justices of the peace are responsible for acquiring and maintaining knowledge of the legislation and case law which affects their jurisdiction, as well as other relevant information of significance to the performance of their duties, and for developing and maintaining the skills necessary to perform these duties effectively.

3. Justices of the peace are judicial officers, and all education programs and mentoring are based on that fact.
4. Education encompasses a broad variety of topics, including education on legal, procedural and jurisdictional issues, an understanding of the role of a judicial officer, ethical issues impacting on judicial conduct, the development of specific skills necessary to perform the functions of a justice of the peace including technological competence, and the development of an awareness of social and cultural context which manifest themselves in judicial proceedings.
5. Social context education related to equity, diversity, and inclusion is integrated into our programming for newly appointed justices of the peace and in the justice of the peace continuing education. It includes topics such as awareness of unconscious bias, intimate partner and family violence, coercive control, sexual assault law, anti-black and indigenous discrimination and racism and the experience of vulnerable populations that are overrepresented in the criminal justice system (*Justice of the Peace Act*, s. 14(4) and (6)).
6. Technology is an increasingly significant factor in the delivery of judicial services and education programs, requiring justices of peace to have considerable technological competence. New programming reflects that fact and may incorporate new technologies as teaching tools and delivery methods. Computer support is offered at the spring and fall conferences, within courthouses and on an as-needed basis.
7. Educational programming is an essential and integral component of the work of a judicial officer. It is essential that time and resources be made available for it as a part of the judicial officer's regularly scheduled responsibilities.
8. Education is an ongoing process. Upon completion of the initial education program, ongoing continuing educational programming is required to maintain the standards which have been developed, to strengthen pre-existing skills and knowledge, and to update justices of the peace regarding legislative amendments and case law which affect the jurisdiction of a justice of the peace.

Education for Newly Appointed Justices of the Peace

The Education Plan is designed on the understanding that the justice of the peace bench is a largely a lay bench, and that many justices of the peace on appointment do not have legal training. The Plan therefore provides each justice of the peace with extensive learning experience for the first year following each justice of the peace's appointment.

Initial education is delivered through a combination of intensive in-person courses, virtual sessions, and significant self-study. Additionally, the education is supported by a formal program of peer mentoring led by experienced justices of the peace.

The format of the program includes lectures, small group discussion, case studies, role-playing videos, live demonstrations, writing and communication exercises. All programming is designed to be highly participatory and interactive. Particular attention is paid to incorporating adult education principles in the design of practical and relevant programming, which involves employing a skills-based, hands-on approach to delivery.

Resource people and faculty members include experienced justices of the peace and judges, law professors, crown counsel, lawyers in private practice with expertise in specific areas of the law and others with relevant knowledge.

Social and cultural awareness education is integrated into all programming and include topics such as cultural competence, awareness of unconscious bias, anti-black and indigenous discrimination and racism, and the experience of vulnerable populations that are overrepresented in the criminal justice system. There is also content related to sexual offences, intimate partner violence and coercive control.

a) Orientation

During their orientation, newly appointed justices of the peace are introduced to the OCJ's administrative procedures and policies including concepts related to judicial independence, discretion, and judicial ethics. Sessions are provided to familiarize justices of the peace with the electronic tools available to them including digital legal resources.

b) Foundations - Being a Judicial Officer and Running an Effective Proceeding

This course introduces critical foundational principles, including an overview of the criminal justice process, judicial discretion, independence, ethics and cultural competency. This course includes sessions relating to conducting a hearing such as effective hearing management, procedure, an introduction to the law of evidence, statutory interpretation, self and under-represented challenges, the decision-making process and duty to provide reasons. This course culminates with a hearing simulation and decision-making exercise.

c) Intake Court and Search & Seizure

This course is devoted to general intake court responsibilities and search warrants. Intake court responsibilities include the commencement of criminal and provincial offences proceedings by police or private informants; judicial interim release functions such as surety approvals, revocations or substitutions and release order variations; Reports and Returns to Justice; warrants for arrest in a dwelling house; peace bonds and seizure of weapons; certain orders under the *Mental Health Act*, warrants of apprehension under *Child Youth and Family Services Act*, and subpoenas. Provincial offences intake functions are also covered during these workshops, including early resolution processes, re-openings of completed matters and applications to extend time to pay a fine.

The law on search and seizure is also introduced. Justices of the Peace are taught about search warrants, investigative warrants, warrants to seize firearms, production orders and all other types of warrants and orders which may be issued by a justice of the peace under the *Criminal Code*, the *Controlled Drugs and Substances Act*, and other federal and provincial statutes. Telewarrant/eTelewarrant processes are also introduced.

d) Case Management Court and Common Hearings

In this course, the role of the justice of the peace in criminal case management court, as well as the work for other types of hearings, is introduced. Other topics include mental health assessments, publication bans, peace bond hearings, pre-enquête hearings and weapons disposition and prohibition hearings.

e) Bail

The judicial interim release course provides an in-depth review of all aspects of the bail process. Time is spent reviewing different bail hearing scenarios. Discussions include the law respecting release and detention orders, as well as conditions of release orders. The law and procedure with respect to revocation of bail, remands, variations of release orders, release to sureties or bail programs, breach of conditional sentence orders, conditions of electronic monitoring and Weekend and Statutory Holiday bail courts best practises are reviewed. Specific attention is given to intimate partner violence and coercive control issues; guns, gangs and drugs; youth bail; and considerations relating to Indigenous accused and vulnerable persons overrepresented in the criminal justice system. This course culminates with a full day session devoted to the decision-making process.

f) *Provincial Offences Act* Trials

This course focuses on the trials of regulatory offences prosecuted under the *Provincial Offences Act* over which justices of the peace preside. Such trials are typically completed in a single day or less, with an oral judgment delivered at the conclusion of the trial. Defendants may be self-represented or represented by lawyers or paralegals.

Other topics include the role of the prosecutor, defendant and justice of the peace; establishing and retaining jurisdiction; disclosure; the presumption of innocence; proof beyond a reasonable doubt and findings of credibility; elements of an offence; guilty pleas to an offence charged or another offence; *mens rea*, strict liability and absolute liability offences; defences to regulatory charges, including due diligence, reasonable mistake of fact and officially induced error; trial procedure including the principles relating to trial management and active adjudication; the law relating to evidence; exhibits and the presentation of evidence; the *voir dire*; self-represented defendants; the law and procedure relating to different types of motions as well as *Charter* applications including specific programming relating to statutory compulsion and delay; access to justice issues; paralegals and lawyers in the courtroom; requests for a bilingual trial; articulating reasons for judgment; delivery of a judgment; the *Kienapple* principle and the law and procedure relating to sentencing.

Mentoring for Newly Appointed Justices of the Peace

In addition to the education described above, a core element of education for newly appointed justices of the peace is the mentoring program. The program involves the new justice of the peace working, usually on a one-on-one basis, with a more experienced justice of the peace. The mentor's primary responsibility is to assist the new justice of the peace in making the transition to the bench and acquiring the knowledge and skills necessary to carry out their judicial responsibilities.

The mentoring program is integrated into initial education. Mentoring is provided with respect to the various duties justices of the peace perform, including those in intake, bail, case management and provincial offences courts.

Different justices of the peace may be involved as mentors at different stages of the program. The period of time a new justice of the peace spends in a mentoring program varies among the new appointees depending on individual needs but can last up to a year.

In order to strengthen the mentoring program, the OCJ offers a workshop for mentors every three years. This workshop focuses on variety of issues faced by mentors, in order to encourage consistency in mentoring and education across the province. It also includes discussions of the mentoring process itself, including various mentoring and adult education techniques which may be of assistance in facilitating the learning process for new justices of the peace. Programing includes cultural competency components relating to achieving an inclusive workplace and sessions relating to modelling judicial ethics and decorum.

Continuing Education for Justices of the Peace

Continuing education supports the on-going professional development of the justice of the peace bench. Various materials and programs are provided on an ongoing basis to facilitate this process. As with the Initial Education programming, the emphasis in continuing education is on experiential methods of adult education. The continuing education occurs during annual spring and fall conferences, as well as various smaller programmes that may be offered throughout the year.

i. Annual Spring and Fall Conferences

The cornerstone of the continuing education program for justices of the peace is the holding of annual spring and fall conferences. Each conference is offered twice in order to accommodate all members of the bench. Every justice of the peace is assigned to attend one of these conferences in both the spring and the fall of each year. Attendance is optional for per diem justices of the peace. Each of these conferences is three days in length and thereby provides every justice of the peace a minimum of six days of continuing education per calendar year.

The presentation at these conferences is often a combination of lectures, educational fact scenarios and videos, panel discussions, demonstrations and small group discussions. The programming deals with a wide variety of topics that vary from year to year, including substantive law, evidence, *Charter* issues, judicial skills training, judicial ethics and wellness. Social and cultural awareness education is also offered through programming about cultural competence, awareness of unconscious bias, anti-black and indigenous discrimination and racism and the experience of vulnerable populations that are overrepresented in the criminal justice system. There is also content related to sexual offences, intimate partner violence and coercive control. Specific topics which have been covered in recent conferences include evidentiary issues; application of *Gladue* and Indigenous justice / cultural context issues to Bail and POA sentencing; accessibility for people with disabilities; Orders for Examination under the Mental Health Act; Peace Bonds; Digital/Electronic Evidence in POA Trials; resilience and Trauma-Informed Presiding.

While many of the sessions are developed and presented by a variety of faculty members including judges and justices of the peace themselves, frequent use is made of external experts and faculty in the planning and presentation of programs. Lawyers, government and law enforcement officials, academics, and other subject matters experts and professionals have been used extensively in most education programs to help create and present content for these conferences.

ii. Self-directed Learning

In addition to the fundamental education outlined above, justices of the peace continue to be self-directed through peer discussions and individual reading and research. Further, throughout the year, all justices of the peace are provided with access to the materials relating to the Initial Education program as they become available, assuring ongoing access to the most current educational information relating to all aspects of their responsibilities.

iii. Additional Programs

a. Indigenous Seminar

The Indigenous seminar is an annual three day cultural and educational experience that includes a mix of substantive legal issues and other non-legal issues relevant to Indigenous justices of the peace. Attendance is limited to members of the bench who identify as Indigenous.

This seminar ensures that participants have an opportunity to connect with each other in a shared culturally safe way. It creates opportunities for sharing and learning focused on expanding the participants' knowledge beyond their current cultural awareness by creating a space in which they can learn more about the diverse Indigenous people that reside in Ontario and Canada. As there is no one pan-Indigenous Canadian experience, the seminar allows for learning about the history and the current circumstances of Indigenous communities, to assist in broadening the understanding and appreciation how these different circumstances and experiences might impact access to justice.

b. French Language Seminar

The French Language seminar is a three-day intensive seminar offered to bilingual justices of the peace, once a year. The seminar, for both participants and presenters, is conducted entirely in French. A core part

of each workshop is to provide Ontario Court of Justice bilingual justices of the peace with the necessary tools to preside in French, including but not limited to the enhancement of their use of French legal terminology.

c. Special programming

The Court also offers specialized workshops on a variety of topics, including pre-retirement, judicial administration, mentoring and education. Recent programs include a Conversation with Chief Justice Sharon Nicklas and the Honourable Rosalie Abella, Truth and Reconciliation programming by the Indigenous Initiatives Advisory Committee and Black History Month programming by the Equity, Diversity, and Inclusion committee.

d. Regional Meetings

The OCJ is divided into seven geographical regions. All regions hold annual regional meetings. While the meetings principally provide an opportunity to deal with regional administrative and management issues, they also have an educational component which is based on local/regional needs and issues.

Other Educational Resources

a) Materials

On appointment, each justice of the peace is provided with appropriate resource materials and texts, including but not limited to the *Criminal Code*, *Provincial Offences Act* and *Highway Traffic Act*. Materials are updated periodically, as needed.

b) Resources

i. Centre for Judicial Research and Education (CJRE)

Justices of the peace of the OCJ have access to the Ontario Court of Justice Centre for Judicial Research and Education (CJRE). The CJRE is staffed by legal counsel, together with administrative staff, and is accessible in person, by telephone, and e-mail. The CJRE responds to specific requests from justices of the peace for resource materials and legal research.

In addition, the CJRE supports education programming, and provides updates with respect to legislation and recent case law from every level of Court through its regular publication, *Items of Interest*, which is distributed to every judge and justice of the peace electronically on a tri-weekly basis. *Items of Interest* provides significant access to online resources and is designed to facilitate electronic research of case law and legislation.

ii. Judicial Library Services (JLS)

Justices of the peace of the OCJ have access to Judicial Library Services (JLS). JLS provides library orientation and online resources training, books and legal research services.