

## ONTARIO COURT OF JUSTICE

**JUSTICE OF THE PEACE**

**EDUCATION PLAN**

**2023**

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### JUSTICE OF THE PEACE EDUCATION PLAN

**Introduction**

Formal education for the justice of the peace bench is essential for the judicial system to perform and to maintain public trust and confidence.

The Education Plan for the justices of the peace of the Ontario Court of Justice (OCJ) encompasses both initial education and mentoring of newly appointed justices of the peace, as well as continuing education programs that all justices of the peace are required to attend.

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 improve the administration of justice;
* to develop an understanding of the legal issues and substantive law in areas in which a justice of the peace will be 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 a sense of judicial independence and impartiality.

The goals of the continuing education programs are:

* to help members of the justice of the peace bench attain, maintain and advance professional competence;
* to develop and maintain 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 growth.

# Advisory Committee on Education

The coordination of the planning and presentation of education programs is assured by the Advisory Committee on Education (ACE). The Committee includes the Associate Chief Justice Co-ordinator of Justices of the Peace as Chair (*ex officio*) and justices of the peace endorsed by the Associate Chief Justice Co-ordinator of Justices of the Peace, including two representatives of the Association of Justices of the Peace of Ontario (AJPO) recommended to the Associate Chief Justice by AJPO.

The Senior Advisory Justice of the Peace (SAJP) chairs ACE meetings and is assisted by the Senior Justice of the Peace (SJP), who also sits on the Committee and advises the SAJP on issues pertaining to the education and mentoring of justices of the peace. There is representation from each region on the committee. 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. Two bilingual (French/English) justices of the peace who are involved in developing education programs specifically for bilingual justices of the peace are also members. Additionally, lawyers for the Office of the Chief Justice and the Centre for Judicial Research and Education (CJRE) serve on the Committee.

Education programs are reviewed by ACE, which makes recommendations to the Associate Chief Justice Co-ordinator of Justices of the Peace on changes and additions to existing programs.

The Committee meets approximately three times per year to discuss matters pertaining to education and reports to the Associate Chief Justice Co-ordinator of Justices of the Peace.

# Principles

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 as professionals are responsible for acquiring and maintaining a 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 is presented in a non-prescriptive manner. The education and mentoring of a justice of the peace involves exposure to the views and practices of many judicial officers who perform judicial functions in a variety of different ways. This allows the new justice of the peace to develop his/her own skills in the courtroom setting.
5. Education encompasses a broad variety of topics, including education on legal 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 in which social issues and challenges may arise and manifest themselves in judicial proceedings.
6. 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.
7. 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.
8. 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.

**Educational Materials and Resources**

1. **Materials**

On appointment, each justice of the peace is provided with appropriate resource materials and texts, including the *Criminal Code, Provincial Offences Act* and *Highway Traffic Act*. Materials are updated periodically, as needed.

1. **Resources**
2. **Centre for Judicial Research and Education (CJRE)**

Justices of the peace of the OCJ have access to the Ontario Court of Justice 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 judges and justices of the peace for information and research.

In addition, the CJRE provides updates with respect to legislation and relevant case law through its regular publication, *Items of Interest*, which is distributed to every judge and justice of the peace electronically on a bi-weekly basis. This contains links to relevant legislation and websites of interest, including those with decisions of the Supreme Court of Canada and the Ontario Court of Appeal.

*Items of Interest* provides significant access to online resources and is designed to facilitate electronic research of case law and legislation. Computer support is offered at the spring and fall conferences and continues to be provided on an as-needed basis.

1. **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.

**Initial Education**

The Education Plan is premised on the fact that the justice of the peace bench is a lay bench, and that justices of the peace on appointment usually do not have legal training. The Plan provides each justice of the peace on appointment with ten weeks of intensive workshops over 12-14 months, considerable self-study and virtual modules. This education is supported by a formal program of mentoring which is provided by experienced justices of the peace.

The format 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 and delivery of the programming. The programming is both practical and relevant, 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 Initial Education programming. Sessions include topics relating to equity, diversity, and inclusion such as cultural competence, awareness of unconscious bias, anti-black and indigenous discrimination and racism, and the experience ofvulnerable populations that are overrepresented in the criminal justice system. There is also content related to sexual offences and intimate partner violence that is tied to the specific assignments of Justices of the Peace.

**Intensive Workshops**

1. **Intake Court (two workshops)**

There are two workshops devoted to general intake court responsibilities. Topics include commencement of criminal and provincial offences 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 in a Dwelling House; intake function relation to peace bonds and seizure of weapons; *Mental Health Act* orders for examination, *Child, Youth and Family Services Act* warrants of apprehension, and subpoenas. In addition, foundational principles of judicial discretion, independence and ethics are introduced.

1. **Search and Seizure**

This workshop is an intensive program in all aspects of search warrants and other types of investigative warrants and orders which may be issued by a justice of the peace. It reviews the legislation and case law under s. 487 of the *Criminal Code*, s. 11 of the *Controlled Drugs and Substances Act*, and other federal and provincial statutes, including s. 8 of the *Charter of Rights and Freedoms*. Telewarrant and eWarrant processes are introduced.

1. **Case Management Court**

In this workshop, particular attention is paid to the role of the justice of the peace in criminal case management court. Other topics include mental health assessments, publication bans, peace bonds, pre-enquetes and weapons disposition and prohibition hearings.

1. **Bail (Two Workshops)**

The two judicial interim release workshops provide an in-depth review of all aspects of the bail process. Time is spent in these workshops reviewing bail hearing scenarios. Discussions include whether an accused person should be detained and, if released, the type and conditions of release. The law with respect to revocation of bail, variations of release orders, breach of conditional sentence orders and use of interpreters are reviewed. Specific attention is given to domestic violence issues, guns and gangs, youth bail and considerations relating to indigenous accused and vulnerable person’s overrepresented in the criminal justice system. The remainder of the workshops is spent in lectures, discussions, and demonstrations of the various proceedings relating to judicial interim release, including best practices when presiding over virtual or hybrid hearings.

1. **Good Judgment and Introduction to Provincial Offences**

Coming to a decision in a judicial proceeding is the essence of the judicial role. A justice of the peace must learn to assess, filter and sort evidence, and deliver decisions. The role of precedent must be considered and applied. Legal principles must be interpreted.

This seminar blends lectures and case scenarios. Topics covered include judicial conduct; ethical principles, bias consciousness and cultural competency; judicial impartiality; and motions for recusal. Foundational principles relating to presiding in a provincial offences court are introduced. These include introducing the concept of an adversarial system, stages of a trial, language rights, disclosure, motions and applications and case management principles.

1. ***Provincial Offences Act* Trials (Three Workshops)**

There are three intensive workshops on the trial of an offence under the *Provincial Offences Act*. The sessions focus on trials of regulatory offences 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 a lawyer or licensed paralegal. Lectures, case studies, discussion groups and demonstrations are used to present the topics in this workshop.

Specific topics covered include the role of the prosecutor, defendant and justice of the peace; establishing and retaining jurisdiction; 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; presentation of evidence; rules of evidence; the *voir dire*; self-represented defendants; *Charter* applications; access to justice issues; paralegals and lawyers in the courtroom; requests for a bilingual trial; articulating reasons for judgment; delivery of a judgment; and sentencing.

**Mentoring**

In addition to the workshops 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 who has been designated as a mentor in consultation with the SAJP, SJP and applicable Regional Senior Justice of the Peace (RSJP). 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 his or her judicial responsibilities.

The mentoring program is integrated into initial education. Both mentors and the newly appointed justices of the peace are provided with detailed checklists of the duties to which a newly appointed justice of the peace should be exposed and about which they should learn before attending the relevant intensive workshop. Thus, the two core elements of initial education – mentoring and initial education – complement and support one another.

Mentoring is provided with regard 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 over 12-14 months.

In order to strengthen the mentoring program, the OCJ offers a workshop for mentors. This workshop focuses on issues faced by mentors in order to encourage consistency in education across the various parts of 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.

**Continuing Education**

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.

**Annual Spring and Fall Conferences**

These continuing education programs give every justice of the peace a minimum of six days of continuing education per calendar year. The programming deals with a wide variety of topics that vary from year to year, including substantive law, evidence, *Charter* issues*,* judicial skills training and wellness and judicial ethics. Social and cultural awareness education is also offered relating to equity, diversity, and inclusion 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 and intimate partner violence that is tied to the specific assignments of Justices of the Peace. 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.

There is an emphasis on utilizing faculty drawn from the ranks of the justice of the peace bench – illustrating a reliance on peer-to-peer education. To strengthen the teaching and facilitation skills of these faculty members, workshops are offered which focus on learning adult education teaching technique and skills.

While the programs are developed and presented by judges and justices of the peace of the Court, frequent use is made of outside resources in the planning and presentation of programs. Lawyers, judges, government and law enforcement officials, academics, and other professionals have been used extensively in most education programs.

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. Each of these conferences is three days in length. The conferences use a combination of lectures, educational fact scenarios and videos, panel discussions, demonstrations and small group discussions.

**Specialized workshops**

1. **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. Opportunities for sharing and learning focus 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 learning about the history and the current circumstances of the indigenous communities assists in broadening our understanding and appreciation of how such might impact access to justice. To ensure that participants have an opportunity to connect with each other in a shared culturally safe way attendance is limited to members of the bench who identify as indigenous.

1. **French Language Seminar**

A three-day intensive workshop is offered to bilingual justices of the peace once a year. The workshop, for both participants and presenters, is conducted entirely in French. A core part of each workshop is to provide bilingual justices of the peace with the necessary tools to preside in French including but not limited to the enhancement of the use of French legal terminology.

1. **Special programming**

# The Court also offers specialized workshops on a variety of topics, including pre-retirement, judicial administration, and mentoring, and other programming offered by the Equity, Diversity and Inclusion committee and the Indigenous Initiatives Advisory Committee such as the National Day for Truth and Reconciliation, September 30th, 2022, and Black History Month, February 2023.

**Regional Meetings**

The OCJ is divided into seven regions for the purposes of judicial administration. 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.

**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.

**External Conference Policy**

Funding is available for external conferences which assist the justice of the peace in performing his or her assigned duties. The External Conference Committee of the OCJ receives and considers applications from justices of the peace to attend these programs.