

ONTARIO COURT OF JUSTICE

CONTINUING EDUCATION PLAN - JUDGES

Effective date: 21 March 2025

PREAMBLE

Control over judicial education is within the sole purview of the Ontario Court of Justice. Independence of the judiciary is a cornerstone of the rule of law. Judicial education strengthens judicial independence and impartiality, fosters public trust, and safeguards the protection of rights and fairness within the justice system.

Judicial education and professional development at the Ontario Court of Justice, including cultural awareness programs, extend beyond legislative requirements, offering judges a comprehensive and high-quality learning experience-past, present and into the future.

GOALS OF CONTINUING EDUCATION PLAN

The goals of continuing education for the judges of the Ontario Court of Justice are as follows:

1. Maintaining and developing professional competence;
2. Maintaining and developing social awareness.¹

The *Courts of Justice Act* requires the Chief Justice of the Ontario Court of Justice to establish a plan for the continuing education of provincial judges.² In establishing a Continuing Education Plan, the Chief Justice ensures the professional and personal development of judges and the growth of their social awareness. This is done through the programming designed, developed and offered by the Ontario Court of Justice, and complemented by other programming offered by judicial and education organizations.³

¹ *Courts of Justice Act*, s. 51.10(3)

² *Courts of Justice Act*, s. 51.10(1)

³ *Courts of Justice Act*, s. 51.9(3)

The Continuing Education Plan provides each judge with an opportunity of having approximately ten days of continuing education per calendar year. The education focuses on a wide variety of topics, including substantive law, evidence, the *Canadian Charter of Rights and Freedoms*, skills development, and social context. While many of the programs attended by the judges of the Ontario Court of Justice are developed and presented by the judges of the Court themselves, frequent use is made of outside resources including 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. In addition, judges are encouraged to identify and attend external programs of interest and benefit to themselves and the Court.

Social context issues related to equity, diversity, and inclusion are addressed in all our programming for newly appointed judges and for the continuing education of judges. Programs include topics such as cultural competence, 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.⁴

EDUCATION SECRETARIAT

Judicial education serves to maintain and encourage standards of integrity, impartiality and independence as detailed in the Principles of Judicial Office for Judges of the Ontario Court of Justice⁵ and the Canadian Judicial Council's *Ethical Principles for Judges*.⁶

⁴ *Courts of Justice Act*, s. 51.10.1(1), (3)

⁵ <http://www.ontariocourts.ca/ocj/ojc/principles-of-judicial-office/>

⁶ [CJC 20-301 Ethical-Principles Bilingual FINAL.pdf](#)

Judicial education and training are the shared responsibilities of the Chief Justice and the Association of Ontario Judges, which are coordinated through the Education Secretariat.⁷ The Education Secretariat is committed to the importance of education in enhancing professional excellence. The Secretariat is composed of the Chief Justice as Chair (*ex officio*), four judges nominated by the Chief Justice and four judges nominated by the Association of Ontario Judges. Counsel of the Ontario Court of Justice and a Counsel, Judicial Education of the National Judicial Institute serve as consultants. The Secretariat meets approximately five times per year to discuss matters pertaining to education and reports to the Chief Justice.

The Secretariat's mandate is:

- To promote education that encourages judges to be reflective about their professional practices;
- To increase judges' substantive knowledge, skills, and awareness of social context issues;
- To support programs which maintain and enhance social, ethical, and cultural sensitivity and awareness including equity, diversity, inclusion, and Indigeneity; and
- To ensure judges engage in ongoing, lifelong, and self-directed learning.⁸

The goals of the Education Secretariat are:

1. To stimulate continuing professional and personal development;

⁷ Memorandum of Understanding Between the Chief Judge of the Ontario Court of Justice (Provincial Division) and the Ontario Judges Association and the Ontario Family Law Judges Association

⁸ In 2011, the Education Secretariat approved a schedule of judicial qualities and abilities that should be supported and developed through education. This schedule has proved helpful in assisting to design and develop the Court's education programs. It can be found in Appendix A of the Continuing Education Plan.

2. To ensure that education is relevant to the needs and interests of the judiciary and the public that they serve;
3. To support and encourage programs that maintain high levels of competence and knowledge in matters of evidence, procedure, substantive law, and judicial skills including technological competence;
4. To develop and deliver programs that increase knowledge and awareness of social context issues and the communities in which judges preside. Specifically, programs will be designed with the goal of increasing knowledge and awareness of the diversity of the population and community resources that may assist and complement the work of the judges of the Ontario Court of Justice;
5. To foster the active recruitment and involvement of the judiciary at all stages of program design, development, planning, delivery and evaluation;
6. To promote an understanding amongst judges of the necessity developing their knowledge and skills throughout their judicial careers;
7. To facilitate the desire for life-long learning and reflective practices;
8. To establish and maintain structures and systems to implement the mandate and goals of the Secretariat; and
9. To evaluate the educational design and development process and programs offered to ensure they meet the standards set out in the Continuing Education Plan.

The current education plan for judges of the Ontario Court of Justice is divided into two parts: education for newly appointed judges and continuing education for all judges.

EDUCATION AND RESOURCES FOR NEWLY APPOINTED JUDGES

All new judges appointed to the Court are required to attend new judges' education programming. Newly appointed judges' education incorporates instruction on

substantive legal issues, the law of evidence and procedure, judicial ethics, judgment writing, courtroom management and social context and awareness issues.

The education required for newly appointed judges includes the following:

- i. **New Judges' Orientation Program:** The Ontario Court of Justice organizes a five-day orientation program for newly appointed judges shortly after their appointment which deals with practical matters relating to the transition to the bench, including, but not limited to, judicial conduct and ethics, courtroom management, effective reasons for decision, judicial obligations in sentencing, the use of technology, administrative procedures, and social context issues such as unconscious bias, vulnerable parties in the courtroom, racism and discrimination of racialized, indigenous and other over represented populations in the justice system.
- ii. **Technology Program:** The Ontario Court of Justice organizes a one-day program for newly appointed judges shortly after their appointment to enhance their technological competence, as it is a significant factor in the delivery of judicial services. Sessions focus on improving and learning relevant software skills to help manage workflow, calendars and courtroom proceedings. Topics include MS OneNote training, building a digital library, and creating notetaking and judgment writing templates.
- iii. **Newly Appointed Provincial and Territorial Judges Skills Program:** New judges also attend a five-day intensive program jointly presented by the Ontario Court of Justice, the National Judicial Institute, and the Canadian Association of Provincial Court Judges. The program focuses on judicial skills training and includes sessions on the delivery of judgments (both written and oral), issues related to self-represented accused,

managing the courtroom, communication skills, judicial ethics, wellness, and the effective conduct of a judicial pre-trial.

- iv. **Canadian Association of Provincial Court Judges New Judges' Education Program:** New judges must also attend a five-day New Judges' Education Program presented annually by the Canadian Association of Provincial Court Judges. This intensive one-week program is largely substantive in nature and is oriented to criminal law.

In addition to the formal education and training provided to new judges above, the Ontario Court of Justice has created the following training for newly appointed members of the bench.

- v. **Shadowing Period:** Upon appointment, each new judge is assigned by the Chief Justice to one of the seven regions of the province. The Regional Senior Judge for that region is then responsible for assigning and scheduling the new judge within the region. For the first several weeks prior to the swearing-in, the Regional Senior Judge will assign the newly appointed judge to observe senior, more experienced judges and/or specific courtrooms. During this period, the new judge sits in the courtroom, attends in chambers with experienced judges and has an opportunity to become familiar with their new responsibilities.
- vi. **Mentoring Program:** A formal Mentoring Program was introduced in 2018 to give all new members of the Ontario Court of Justice the ability to access the collective wisdom, experience, and culture of the bench, while reinforcing the independence and ethical responsibilities of judicial officers. The Mentoring Program is supported administratively by a Mentoring Committee, comprised of judges from various regions of the province. Participation in the Mentoring Program is voluntary on behalf of both mentees and mentors.

Each judge of the Ontario Court of Justice is provided with materials upon appointment to help them with their appointment to the bench, including:

- *Writing Reasons: A Handbook for Judges*, Edward Berry
- *Commentaries on Judicial Conduct* (Canadian Judicial Council)
- *Ethical Principles for Judges* (Canadian Judicial Council, 2021)
- *Tug of War: A Judge's Verdict on Separation, Custody Battles, and the Bitter Realities of Family Court*, Justice Harvey Brownstone (family judges only)
- *Watt's Manual for Criminal Jury Instructions*, Justice David Watt
- *Law of Evidence*, Justice David Paciocco, and Lee Stuesser

A Library Committee of the Court develops a list of texts and reporting services from which each judge is permitted annually to select materials for their personal chamber's library. Judges also have access to Judicial Library Services which offers library orientation and online resources training.

Newly appointed judges are also encouraged to attend all education programs relating to their fields of specialization presented by the Ontario Court of Justice. These programs are outlined under the heading "Continuing Education."

CONTINUING EDUCATION

A. CORE PROGRAMS ADMINISTERED BY THE EDUCATION SECRETARIAT

The programs presented by the Education Secretariat and the Association of Ontario Judges constitute the core education programs of the Ontario Court of Justice education curriculum. All judges of the Court are entitled and encouraged to attend these programs.

Seven family and criminal programs including an Annual General Meeting (AGM) are presented each year with a changing curriculum to reflect the educational needs of the Court. These programs are open to every criminal and family judge in accordance with their area of practice. They are described below:

- i. **Family Programs:** There are two family education programs. The Judicial Development Institute in the winter focuses on family law, and the Annual Family Law Program in the fall focuses on child protection.

Principal topics in family law include issues of decision-making, parenting time and child/spousal support. Principal topics in child protection include amendments to the child protection and federal indigenous legislation, extended care and access, and openness. Additional topics involving skills development, case management, other legislative changes, the child's voice in both family and child protection cases, unique evidentiary issues, domestic and family violence, social context including the experience of vulnerable populations that are overrepresented in the child welfare system and other areas may also be incorporated.

Each program is of three days' duration and is open to any judge who spends a significant amount of their time presiding over family law matters. Recent topics include: effective approaches to judgment writing to reduce emotional harm for the parties, including those who have experienced intimate partner violence; Impact on children who have witnessed domestic violence, and how family violence affects children in their development into adulthood; Determining parenting arrangements where there is the presence of family violence; Specific evidentiary issues when dealing the intimate partner violence cases, such as credibility issues, myths and stereotypes.

A family law education component is also included in the Annual General Meeting of the Ontario Court of Justice held each year in May, emphasizing the intersection between family and criminal issues. For example, a recent panel discussion included comparing the power imbalances and issues of marginalized communities in the context of guilty pleas as well as in child protection proceedings.

- ii. **Criminal Programs:** There are four major criminal law education conferences presented each year in the fall as two-and-a-half day Regional Seminars covering a wide range of topics in criminal law. Each criminal judge is invited to attend one. Four separate agendas, integrating substantive law, skills, and social context issues, are developed to be responsive to the issues found in each region. Topics include, but are not limited to: sentencing, assessing credibility, judgment writing, managing judicial pre-trials, the decision making process, probation orders, search warrants, sexual assault law and special procedures (s. 276/278 of the Criminal Code of Canada), the meaning of consent in sexual assault cases, intimate partner violence and coercive control, the law of firearms, the open court principle, victim's rights and publication bans in sexual assault cases, Charter issues, scientific evidence, language issues, and issues related to bias and race in the justice system including indigenous discrimination, anti-black racism, addiction and mental health.
- iii. **Annual General Meeting (AGM):** A two-and-a-half-day education seminar is presented annually in May in conjunction with the Annual General Meeting of the Ontario Court of Justice and in collaboration with the Association of Ontario Judges. Topics include, but are not limited to: the impact of conscious and unconscious biases in the courtroom; confronting and addressing harmful stereotypes in judicial adjudication; the authentication and admissibility of digital evidence in both criminal and family proceedings;

meaningful management of self-represented and under-represented litigants; sexual assault law and special procedures (s. 276/278 Criminal Code of Canada); understanding and addressing mental health issues in the courtroom, developing effective judicial communication skills, case management, courtroom and time management, the accommodation of witnesses with special needs, youth criminal justice and family law issues; publication bans and the open court principle, *Charter* developments and privacy issues, *Gladue* and Indigenous justice, cultural context issues and awareness, and specialized courts.

B. ADDITIONAL PROGRAMS BY THE ONTARIO COURT OF JUSTICE

A variety of additional programs are presented annually or biannually with limited enrolment. They fulfil a variety of education needs such as the development of judicial skills and leadership and social context training. Particulars of some of the programs offered are set out below.

- i. **Managing Judicial Pre-Trials:** This workshop has the objective of equipping participants with the skills necessary to conduct effective pre-trials, with the goal of reducing trial continuations and trial collapse rates using a variety of skills-based learning tools, including videos, panel discussions and break-out groups and simulations. Elements of this program have been incorporated in other Court programs, reflecting the importance of education on the conduct of effective pre-trials.
- ii. **Judicial Administration Conference:** This conference brings together administrative judges of the Ontario Court of Justice. The curriculum included sessions on leading change, developing skills for managing people, and implementing the Court's current modernization initiatives and vision.

- iii. **Pre-Retirement Seminar:** This program assists judges and their partners in their retirement planning by educating about social and financial issues that arise in the transition from the bench to retirement.
- iv. **Specialized Programs:** The Ontario Court of Justice offers specialized programs on a variety of topics as needed. Recent programs include Judges and Jails, Developing & Delivering Effective Reasons for Decision, a Conversation with Chief Justice Sharon Nicklas and the Honourable Rosalie Abella, Family Law Primer, Truth and Reconciliation programming by the Indigenous Initiatives Advisory Committee and Black History Month programming by the Equity, Diversity, and Inclusion committee.

The Ontario Court of Justice also recognizes that technology is an increasingly significant factor in the delivery of judicial services and education programs, requiring judges to have considerable technological competence. Ontario Court of Justice education programming reflects that fact and incorporates modern technologies as teaching tools and delivery methods. Sessions on improving and learning relevant software skills are included in the New Judges' Orientation Program and other continuing education programs.

C. EXTERNAL EDUCATION PROGRAMS

Judges of the Ontario Court of Justice are encouraged to pursue educational interests by attending programs presented by other organizations and associations.

i. National Judicial Institute (NJI)

The NJI is a world leader in the development and delivery of judicial education programs. Judges of the Ontario Court of Justice are given the opportunity to work

on the development of innovative programming for the NJI and to serve as faculty for the delivery of that programming across the country. They are then able to bring their expertise back to the Court to the benefit of all aspects of the education portfolio. This corresponds with the goals of the Education Secretariat to foster the active recruitment and involvement of the judiciary at all stages of program design, development, planning, delivery, and evaluation. Our judges are our Court's education leaders.

Additionally, Ontario Court of Justice judges have enhanced access to NJI programs and resources including NJI's extensive library of digital resources. NJI's Judicial Library includes self study courses, guides, electronic bench books, on-demand webinars, and podcasts covering topics such as criminal law and family law fundamentals, evidence, youth criminal justice, sexual assault law and social context, intimate partner and family violence, and judgment writing.

Judges may also attend NJI programs such as:

- Communicating Effectively in Your Courtroom
- Indigenous Law Seminar
- Criminal Law Seminar
- Family Law Seminar
- Oral Judgments
- Judges to Jails
- Judging Better, Judging Smarter
- Evidence Workshop
- Hearing and Deciding Charter Issues
- Survive and Thrive: Decision-Making and Judicial Productivity
- Gatekeeping Expert Evidence
- Justice in Motion: NJI's National Seminar in French
- Your Supernumerary Years and Beyond
- Judicial Faculty Development

ii. French-Language Courses

Judges of the Ontario Court of Justice who are proficient in French may attend one of two courses. This first is presented by the Office of the Commissioner for Federal Judicial Affairs (French Legal Terminology Session for French-speaking Judges) and the second is a skills-based course developed by the Province of New Brunswick (Français Juridique). The purpose of the courses is to assure and to maintain the French language proficiency of those judges who are called upon to preside over French language matters in the Ontario Court of Justice.

iii. Canadian Association of Provincial Court Judges

The Ontario Court of Justice sends some judges to the annual meeting and education program of the Canadian Bar Association and the Canadian Association of Provincial Court Judges (CAPCJ). In 2026, the Ontario Court of Justice, in collaboration with CAPCJ, will host the annual CAPCJ conference, focusing the education program on topics related to sexual assault and family violence.

D. OTHER EDUCATIONAL RESOURCES

1. **Centre for Judicial Research and Education (CJRE):** The CJRE is a law library and computer research facility located in Toronto and staffed by research lawyers. It is accessible to judges in person, by telephone or e-mail. The CJRE responds to specific requests from the judiciary for research assistance and provides Items of Interest (IOIs) – tri-weekly updates with respect to legislation and relevant case law.

2. **Judicial Library Services:** All judges of the Ontario Court of Justice have access to Judicial Library Services, which provides library research and support services. In addition, Judicial Library Services offers library orientation and online resources training.
3. **Self-Directed Education:** In addition to the fundamental education outlined above, judges continue to be self-directed through peer discussions and individual reading and research.

Appendix A

Judicial Abilities and Qualities

1. Knowledge and Technical Skills

- Sound knowledge of the law, procedure and their application.
- Rapid mastery of unfamiliar areas of law.
- Maintains bilingual skills.

2. Communication and Authority

- Listens and communicates effectively.
- Establishes and maintains authority of the court.
- Manages hearing to enable fair and timely disposal.

3. Decision making

- Sound judgment.
- Appropriate exercise of discretion.

4. Professionalism and Civility

- Maintains independence and authority of the court.
- Maintains personal independence and integrity.
- Promotes highest standards of behaviour in court.

5. Effectiveness

- Manages hearings to facilitate fair and timely disposal.
- Actively manages cases to promote effective and just conclusion of business.
- Applies technologies to effectively manage cases.

6. Leadership Skills for *Puisne* Members of the Judiciary

- Sets tone for the court and courthouse.
- Shows interest in upholding a positive image of the organization.
- Demonstrates ethics, collegiality and support of colleagues.

7. Leadership & Management Skills for Administrative Judiciary

- Strategically plans and organizes.
- Manages change.
- Supports and develops talent.
- Manages judicial resources.
- Encourages and facilitates teamwork.

This list was adapted from: U.K. Judicial Studies Board, Framework of Judicial Abilities and Qualities, October 2008.