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# Effective and Engaging Technology Training for Judges: The Canadian Experience

**IOJT**

Sydney, October, 2009



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# Session Presenters

- **Justice Monica Bast,**
  - Court of Queen's Bench Alberta (Canada)
- **Justice Brian Lennox,**
  - Executive Director, National Judicial Institute (Canada)
- **Susan Lightstone**
  - Education Director, National Judicial Institute (Canada)



# Workshop Objectives

- Identify availability of technology and training amongst workshop participants
- Discuss different approaches to technology training
- Demonstrate the Canadian experience with technology training and development of electronic resources



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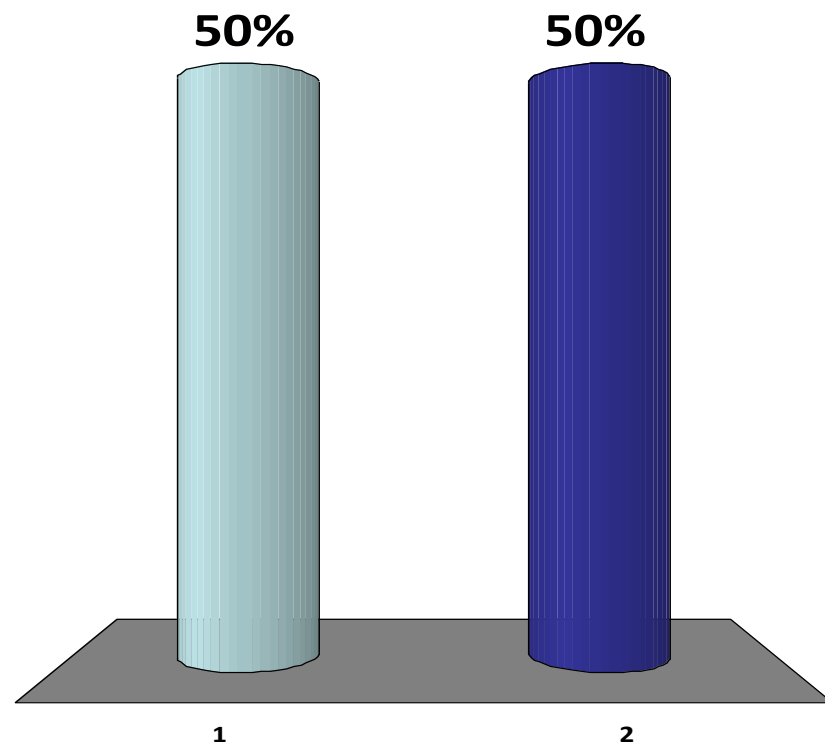
# Seeking Input From You - Our Technology in Action

- Using Your Keypads....
  - Please answer the following quick questions
  - Group responses will be displayed in real-time



# Q1: Is your organization responsible for judicial technology training?

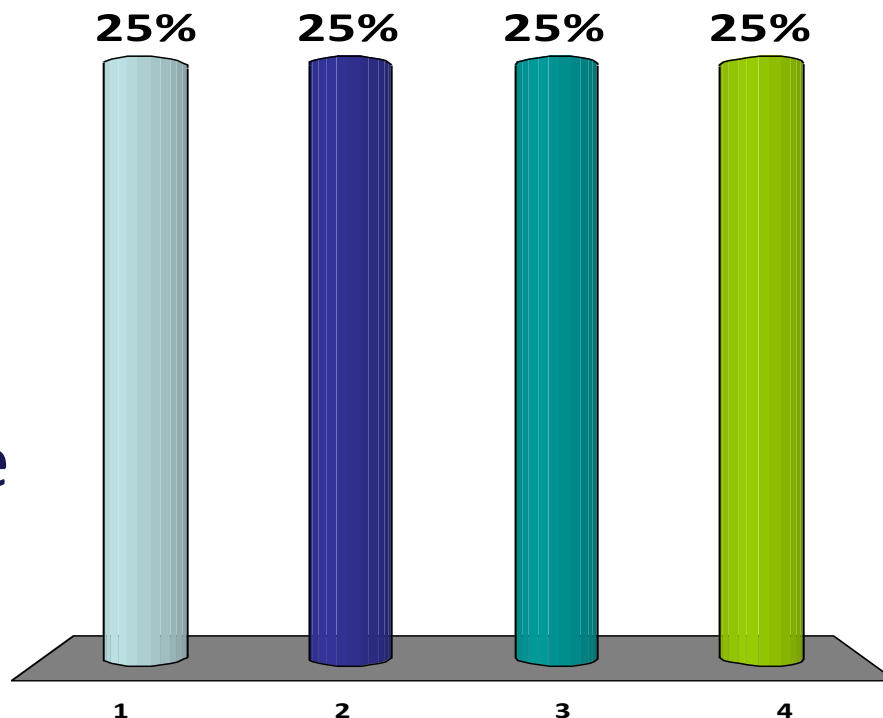
1. Yes
2. No





## Q2: How well equipped is your organization to provide effective technology training?

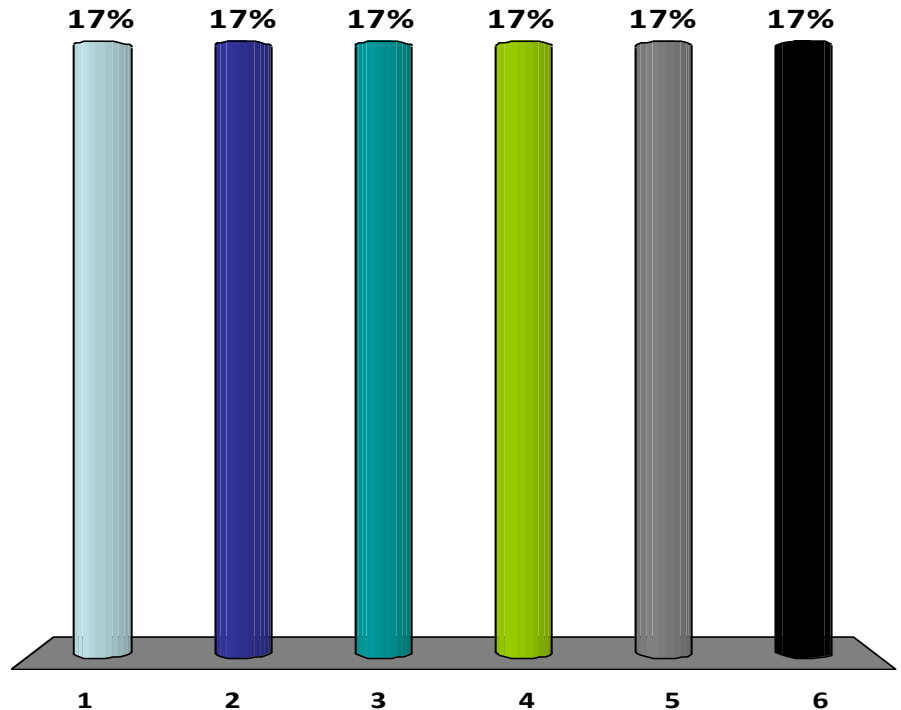
1. Very well equipped
2. Somewhat equipped
3. Not equipped
4. We don't know where to start





## Q3: Whom do you primarily train?

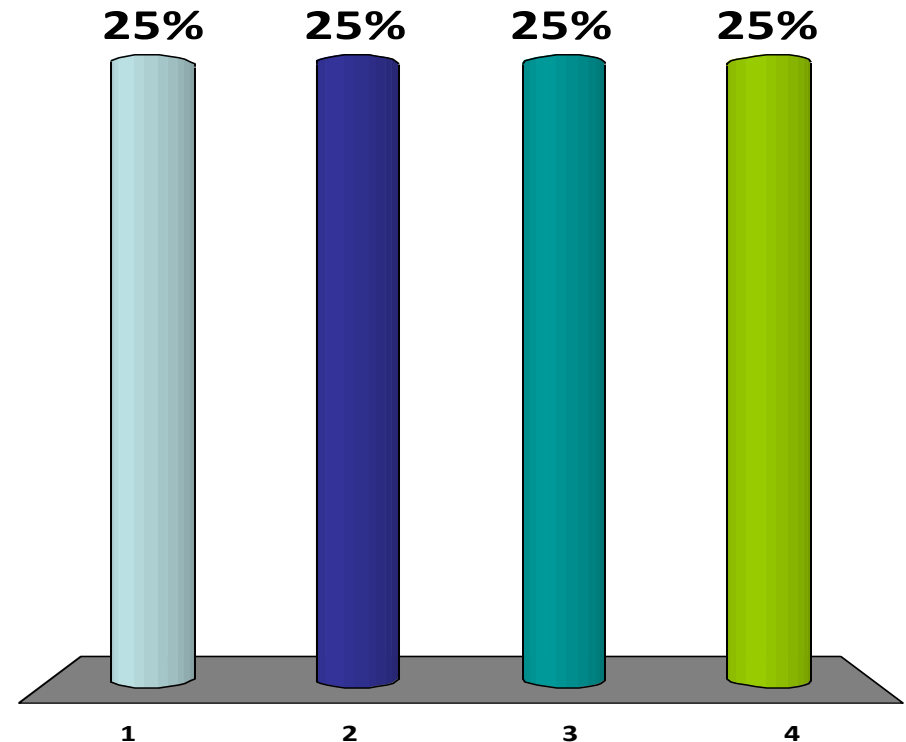
1. Judges
2. Court staff
3. Support staff
4. Other judicial officials (e.g., magistrates)
5. Lawyers
6. Most of the above





## Q4: How computer literate is your organization?

1. Computer literate
2. Somewhat computer literate
3. Not computer literate
4. Computer, what's a computer?

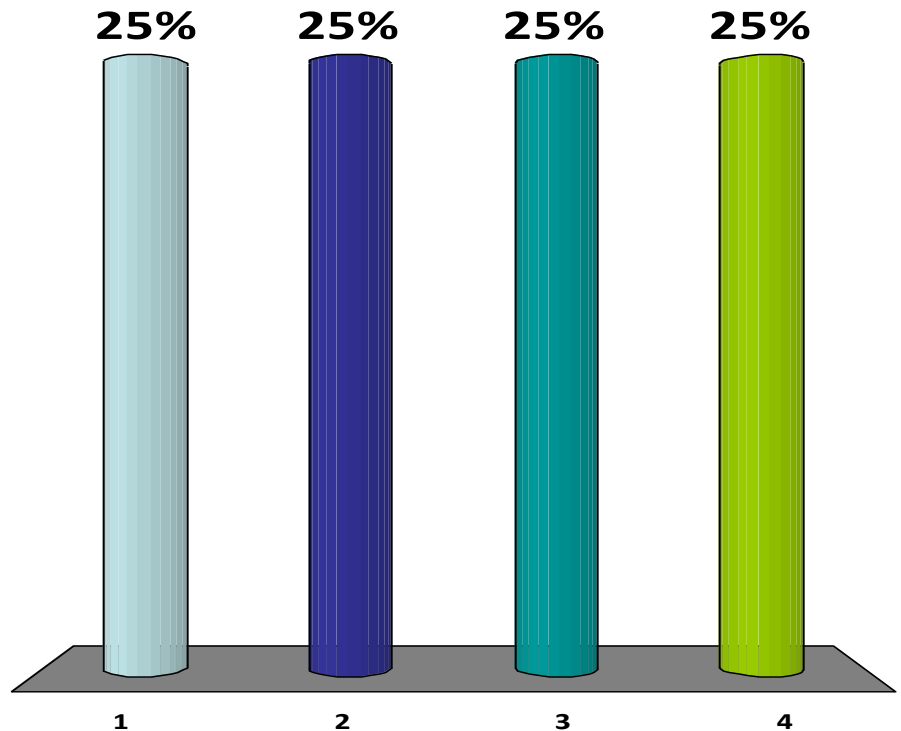






## Q5: How computer literate are the judges in your jurisdiction?

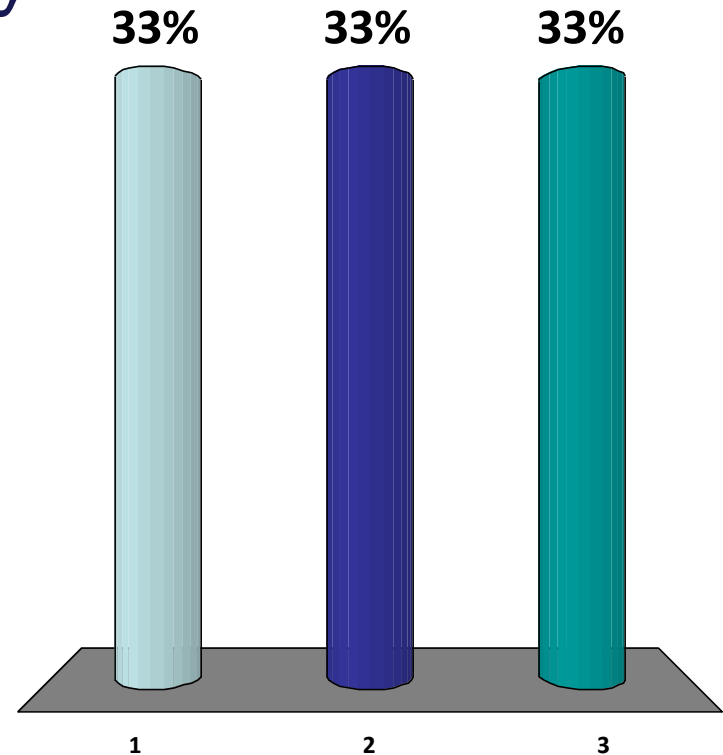
1. Computer literate
2. Somewhat computer literate
3. Not computer literate
4. Computer, what's a computer?





## Q6: Do your judges need to be technologically literate to do their jobs effectively?

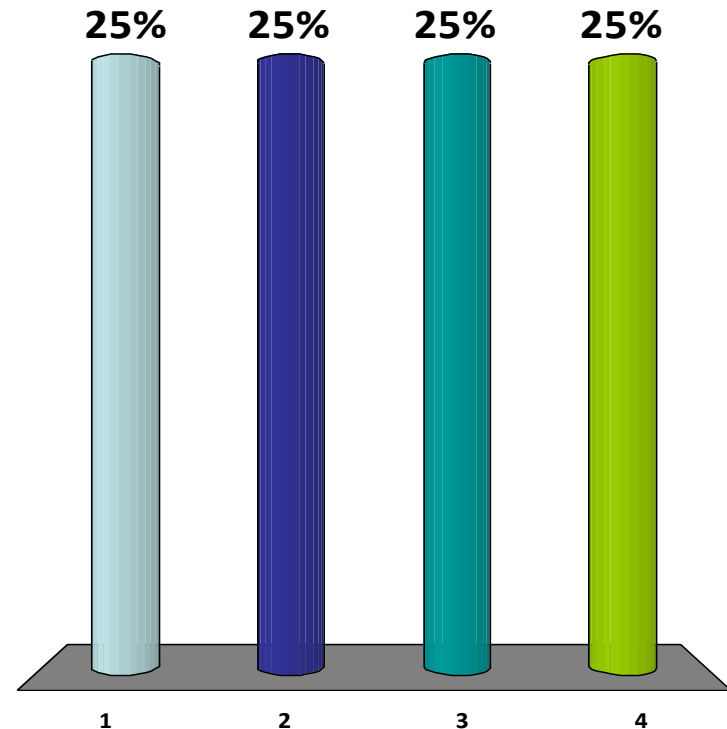
1. Yes, literate
2. Somewhat literate
3. Not at all





## Q7: If you train judges to use technology, what is the primary purpose?

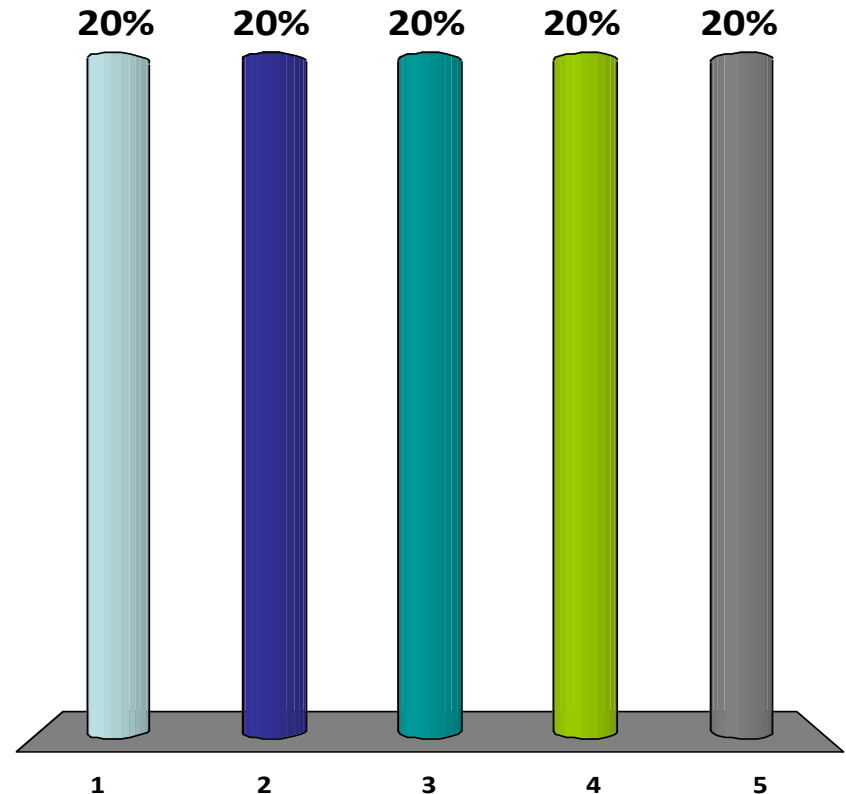
1. Communications (e.g., email, blogs)
2. Judicial research
3. In-court work (e.g., note taking, judgement writing, using document management)
4. Electronic court procedures (e.g., e-filing)





## Q8: If you train judges on technology, how is training primarily delivered?

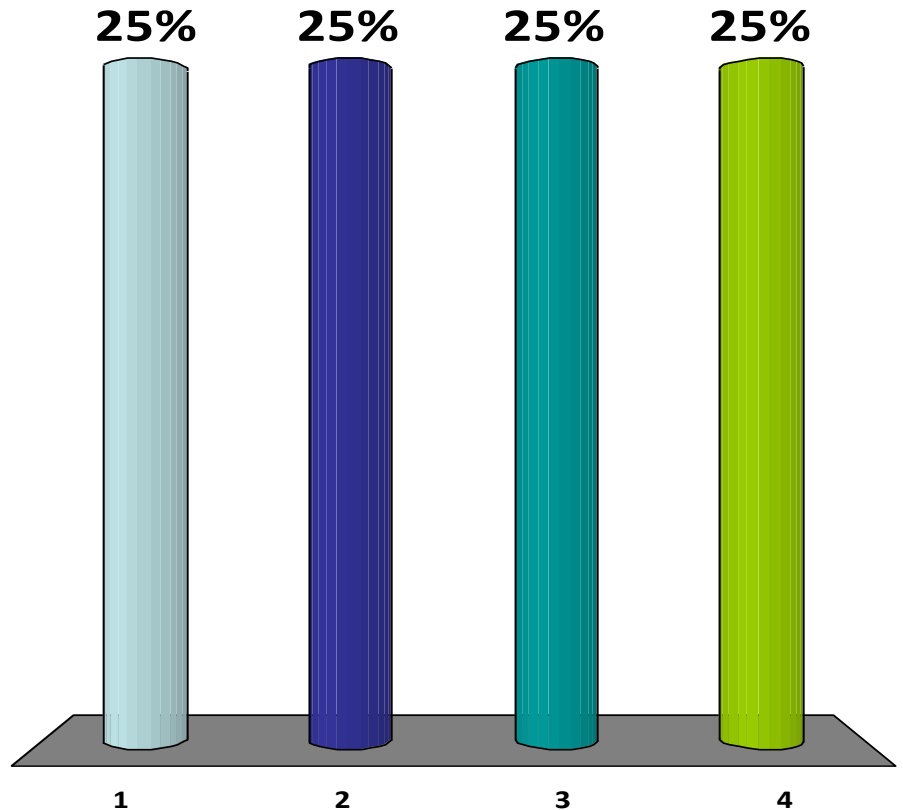
1. In person, one-on-one
2. In person, small groups
3. Self-paced training (e.g., pre-recorded tutorials)
4. Remote web meeting technology (e.g., WebEx, Live Meeting)
5. All or some of the above





# Q9: What percentage of your education is technology-based?

1. 0-25%
2. 26-50%
3. 51-75%
4. 76-100%





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Yesterday's technology is tomorrow's tool  
Change is inevitable...

# **VIDEO: EMBRACING TECHNOLOGY**



# Judicial Education in Canada

- Entirely voluntary
- No formal career or educational path to becoming a judge
- Appointments are for life
- No special courses required to maintain one's status as a judge, but...
- Most courts encourage their judges to devote at least ten days per year to education
- All education must respect the principle of judicial independence



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# The National Judicial Institute (NJI)

- Primary provider of judicial education in Canada
  - Serves 2000 judges with varying skill levels across 10 provinces, 3 territories and close to 40 separate courts - with different computer systems and varying levels of support and training.
- Founded in 1988
- Primarily funded by governments - federal and provincial
- Staff of 53 and hundreds of judicial volunteers, including 12 Judicial Associates
- Programming divided between National and Court-Based programming
  - National programming is open to judges across courts
  - Court-based programming is staged for and by judges of a specific court (or group of courts)





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# Our Pedagogical Approach

- The ever-increasing overlap between NJI substantive education and computer training
- Query: Is computer training taking over judicial education?
- Are we losing sight of our principle goal?



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# Reality of Technology Today





# Current Reality at the NJI

- Computers are here to stay
- Expectations on judges to use technology are ever increasing
- Balance: Adopting new technologies vs. paying for training
- NJI Approach
  - Slow & modest approach
  - Spending judiciously & cautiously
  - Listening to judges (Justice Bast's story)



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# What Technology Do I Need On The Bench?





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# National Judicial Institute (NJI)



<http://www.nji-inm.ca>



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# Effective and Engaging Technology Resources for Judges

- Judicial Library
- E-letters
- Electronic Bench Books (EBBs)
- Note-taking template
- Jury charges (in the works)
- Videos



# Example: Judicial Library

Judicial Library

HOME

Oct 13, 2009

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**SEARCH**

*Search the Judicial Library*

**BROWSE**

*Browse the Judicial Library*

**MANAGE DOCUMENTS**

*Submit and Process documents*

**LINKS**

*Links to other commonly used electronic tools*

**ADMINISTRATION**

*Administration tools*



**Welcome Mr. Vlacic**

You are now logged on to the Judicial Library

## New Documents

- [Watson Supreme Court Case Summaries, Sep. 25, 2009](#)
- [Watson Supreme Court Case Summaries, Sep. 24, 2009](#)
- [Watson Appellate Courts Case Summaries, Sep. 21, 2009](#)
- [Watson Supreme Court Case Summaries, Sep. 18, 2009](#)
- [Watson Supreme Court Case Summaries, Sep. 17, 2009](#)

[more»](#)

2005 Ontario Specimen Jury Instructions (Criminal) now available. Please select them from the "quick links" menu to the right.

Note: Quicklaw is currently upgrading their system. Links to their database may not work during this time.

## Favorites

### Quick Links

- select one -

### Electronic Bench Books

- select one -

### My NJI Courses

- select one -

### Saved Searches [\[ manage \]](#)

- select one -

### Favorite Documents [\[ manage \]](#)

- select one -

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NJI / FJA Judicial Library





# Example: Criminal E-letter



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## Criminal Law Essentials

Updates Every Three Weeks

### NJI Criminal Law e-Letter 134

September 17, 2009

#### From the Supreme Court

*R. v. Bjelland* [2009] S.C.J. No. 38 (July 30, 2009) (QuickLaw or Canli)

*—Exclusion of evidence as remedy under section 24(1) of Charter only available where trial rendered unfair and cannot be cured by adjournment and disclosure or where exclusion necessary to maintain integrity of justice system —Exclusion of evidence inappropriate remedy for failure to disclose evidence that resulted in inability for defence to cross-examine at preliminary inquiry*

A 4-3 majority in the Supreme Court of Canada has determined that exclusion of evidence as a remedy for a breach of the right to disclosure should be imposed only under restrictive conditions. This position attracted a strong dissent from Justice Fish, supported by Justices Binnie and Abella.

Bjelland had been charged with importing cocaine and possession of cocaine for the purpose of trafficking. At pre-trial conferences prior to the preliminary inquiry, the Crown stated that disclosure had been substantially completed. After the preliminary inquiry had been conducted, the Crown disclosed evidence from two alleged accomplices whom it intended to call as witnesses at trial. The accused applied to the trial judge for a stay of proceedings or, alternatively, exclusion of the evidence of the two witnesses on the basis that the ability to make full answer and defence had been prejudiced by the late disclosure since the defence had not been able to cross-examine the witnesses at the preliminary inquiry. The trial judge refused to order a stay but did exclude the late-disclosed evidence, resulting in the acquittal of the accused.

The Crown appealed successfully to the Court of Appeal which, by a majority, held that there was reviewable error by the trial judge in not considering a less severe remedy than exclusion of the evidence. The Court of Appeal ordered a new trial which Bjelland unsuccessfully appealed to the Supreme Court of Canada.

#### Quick Links

- Supreme Court
- Substantive Law
- Criminal Procedure
- Evidence
- Sentencing
- Legislation
- Legal Literature
- About these Letters
- Distributing Letters
- Past e-Letters

#### Criminal Law Links Online

- Supreme and Appeal Court Case Summaries (J. Watson)
- Criminological Highlights, U of T Centre of Criminology (A. Doot)

#### Criminal Law Links on QuickLaw

- DNA NetLetters™
- Alan Gold's NetLetters™
- Impaired Driving NetLetters™





# Example: Evidence EBB

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Home > Evidence Browse book: Evidence

**Evidence**

Table of Contents: [Print Chapter](#) | [Export to PDF](#)

[Expand All](#)

- Table of Contents
- 1 Introduction
- 2 Basic Principles
- 3 Methods of Presenting Evidence
- 4 Character Evidence
- 5 Hearsay
- 6 Opinion Evidence
- 7 Privilege
- 8 Self-Incrimination
- 9 Improperly Obtained Evidence
- Table of Cases

**Annotations:**  
Search this book:

## 1 INTRODUCTION

Last Updated: May 2009

This Electronic Bench Book on the Rules of Evidence aims at providing trial judges with a quick reference tool to:

- Identify the applicable standards of admissibility that must inform rulings on various questions of evidence; and,
- Provide easy access to the appellate decisions that have attempted to give some structure to those broad standards.

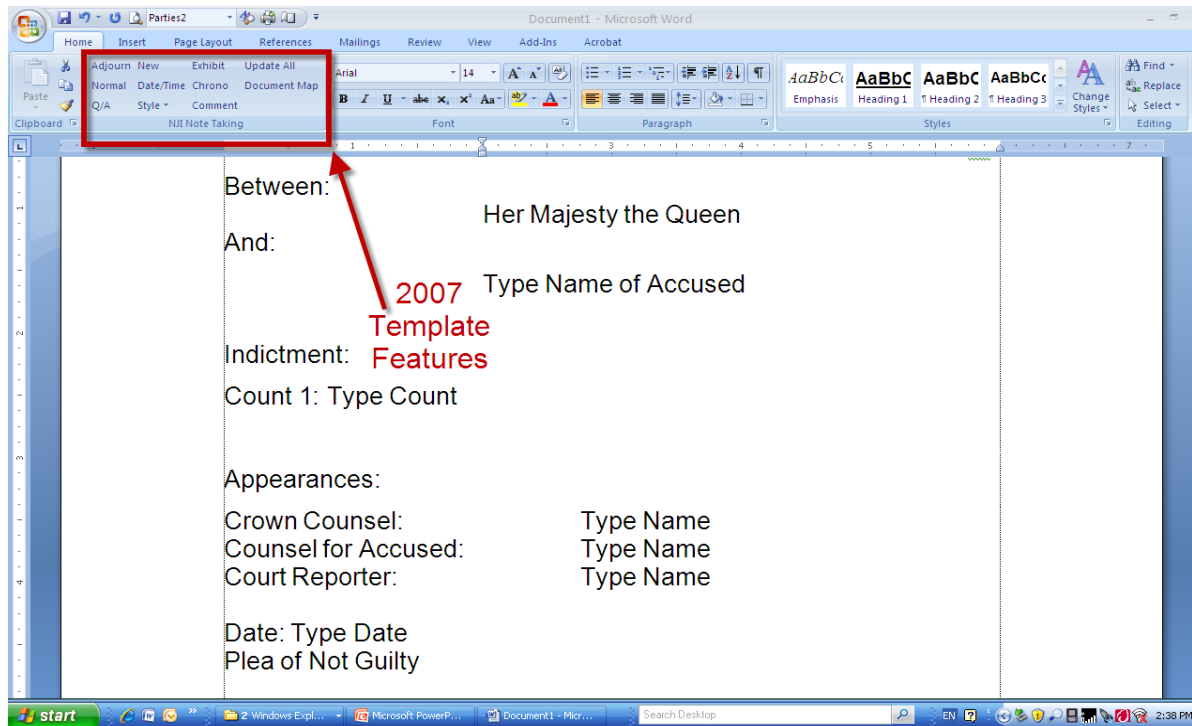
There is no question that the law of evidence has undergone significant changes in the last few decades. There has been a discernible trend in favour of the increased admissibility of evidence. This trend was inspired primarily by a desire to improve the law relating to the prosecution of sexual offences. However, the resulting developments and the philosophy that underlies them have now moved beyond the law of sexual offences into the law of evidence generally, including in civil cases. Courts have moved generally away from the rigid application of rules to a more purposive and principled case-by-case approach to determining admissibility thereby introducing more flexibility and increasing

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# Example: Note-taking template for trial judges





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# Delivery Methods Using Technology for Training Judges

- Remote live one-on-one using web meeting technology (Web EX or Live Meeting)
- Online asynchronous course
- Remote live small web seminars (up to 25 students)
- In-person small group classes
- Self-paced training videos



# Example: Remote Training with WebEX

The screenshot shows the WebEX interface for the National Judicial Institute. The top navigation bar includes 'Meeting Center', 'Site Administration', 'My WebEx', and 'Log Out'. The main content area is titled 'Browse Meetings' and features a search bar with a 'Go' button. Below the search bar are tabs for 'Today', 'Daily', 'Weekly', and 'Monthly'. The current view is for 'Monday, October 19, 2009'. A table lists the following meetings:

Time	Topic	Host	Duration	Status
9:00 am				
9:15 am	<a href="#">Computer Training - Using Word Effectively</a>	Susan Wheeler	1 hour	Not started
10:00 am				
10:15 am	<a href="#">Computer Training (One-on-One)</a>	Susan Wheeler	1 hour	Not started
11:00 am	<a href="#">Using the NJI Note-Taking Template</a>	Susan Wheeler	1 hour	Not started

The interface also includes a sidebar with navigation options such as 'Attend a Meeting', 'Host a Meeting', and 'Assistance'. A 'powered by webex' logo is visible at the bottom center.



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# Demonstration of a Training Video



**NATIONAL JUDICIAL INSTITUTE  
AND  
THE ONTARIO COURTS**



COURT OF APPEAL FOR ONTARIO



SUPERIOR COURT OF JUSTICE (ONTARIO)



ONTARIO COURT OF JUSTICE

**Microsoft Word 2007: Pinning Documents in the Recent Documents List**



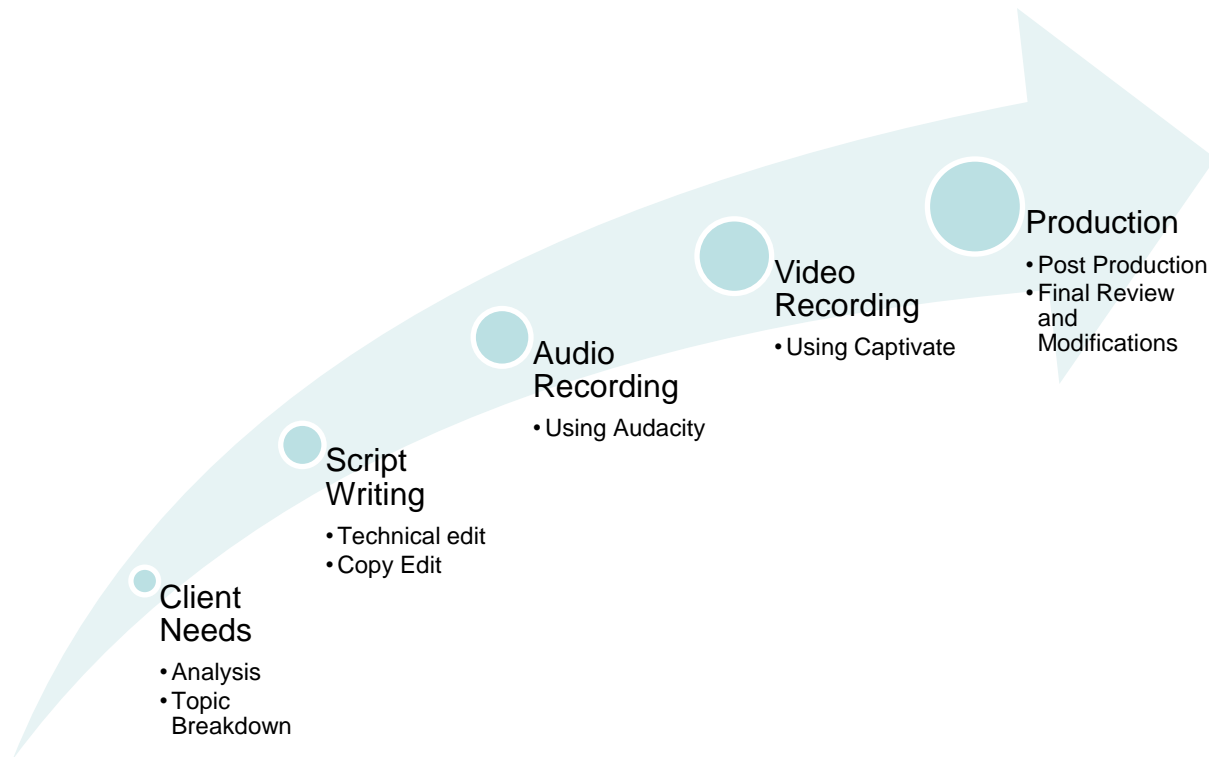
# Tools For Creating Training Videos

Name	Purpose	Cost	Website
Adobe Captivate	Video Production	<b>\$800 US</b> per license  Note: Each license can be installed on 2 computers.	<a href="http://www.adobe.com/">http://www.adobe.com/</a>
Audacity	Audio Recording	<b>Free</b>	<a href="http://audacity.sourceforge.net/">http://audacity.sourceforge.net/</a>
Samson CO1U USB Microphone	Audio Recording	<b>\$200 US</b>	<a href="http://www.samsontech.com/">http://www.samsontech.com/</a>

Capital costs are one time costs; leveraged over the long term



# Steps For Creating Training Videos





# Lessons Learned

- Encourage use including “reasonable non-judicial use” (e.g. Skype, email)
- Cultivate judicial champions





# Lessons Learned (Continued)

- Work with judges to properly assess needs and then respond
- Think about the work flow, not applications
- Train on what judges really do



# Lessons Learned (Continued)

- Just-in-time training
- Start with easy and inexpensive solutions and adapt as you go
- Stay on top of emerging technologies
- Limit what you do – you can't be all things to all people. Define your mandate.



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## Embrace Technology – It Is Here To Stay

**VIDEO:  
DID YOU KNOW?**



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