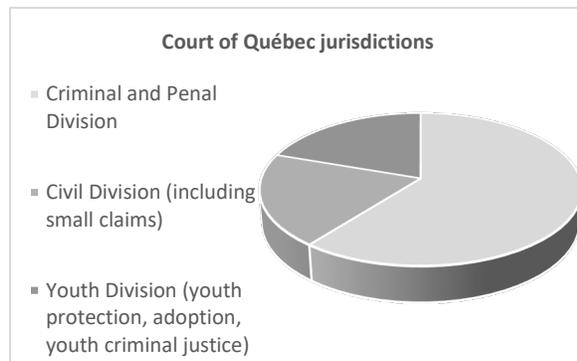


## TRAINING OF THE JUDGES AND PRESIDING JUSTICES OF THE PEACE AT THE COURT OF QUÉBEC

The training of judges<sup>1</sup> is essential to ensure that the judicial system functions properly and keeps the public's confidence.

Since the Court's jurisdictions are very broad, its judges and presiding justices of the peace must have access to an equally broad range of training opportunities. Professional development activities must also reflect society's constantly changing needs and the resulting changes in the role of judges. We need a broader view of judicial training that includes the development and honing of professional skills as well as reflection on a variety of social issues and phenomena.



Judges do not work in an “ivory tower,” apart from the society they serve and to which they belong. On the contrary, because judges are expected to be impartial and neutral, they must consider the social context, the evidence, and the issues of each case with an open mind and without bias.

The Court of Québec and the Conseil de la magistrature du Québec<sup>2</sup> help judges meet this obligation by offering a number of professional development activities. This training is available to both newly appointed and experienced judges.

### Professional development: A matter of professional ethics

Each judge has a professional obligation to acquire and update the knowledge and skills required to fulfill their judicial role (*Judicial Code of Ethics*).

<sup>1</sup> Unless the context requires a different interpretation, “judges” means judges and presiding justice of the peace.

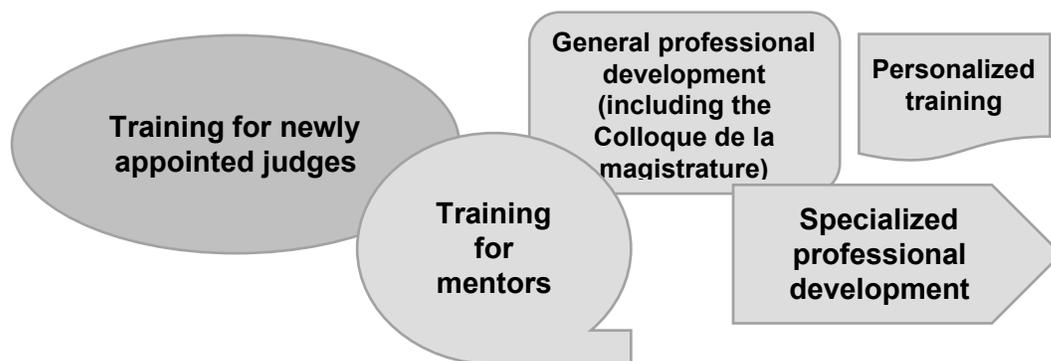
<sup>2</sup> The Courts of Justice Act specifies that the Conseil de la magistrature is responsible for organizing information, training, and refresher programs for judges (sections 256 to 259).

The Court of Québec has had a robust structure for planning and assessing the professional development activities available to judges for a number of years. Here is an overview.

<b>Professional Development Structure at the Court of Québec</b>	
Court of Québec judge responsible for professional development <sup>3</sup>	
Advisory committee on the professional development of <b>Court of Québec judges</b> (chaired by an associate chief judge)	Advisory committee on the professional development of <b>presiding justices of the peace</b> (chaired by an associate chief judge)
Organizing committees, composed of judges and presiding justices of the peace, for the seminars in the annual training program	

### **WHAT DOES THE ANNUAL TRAINING PROGRAM CONSIST OF?**

The Court of Québec’s annual training program is composed of a number of seminars to allow each judge to receive approximately ten days of training a year. The seminars, usually lasting three days, are broken down into the following general categories:



All judges and presiding justices of the peace at the Court of Québec receive training under this program every year.

The Court of Québec training program for 2019–2020 and 2020–2021 includes nearly 50 general or specialized professional development seminars.

<sup>3</sup> Assisted by the Secrétariat au perfectionnement, attached to the Conseil de la magistrature du Québec.

## Training for new judges

To evaluate a lawyer's application to be a judge, a committee of one judge, two jurists, and two members of the public consider the applicant's:

- Legal knowledge and experience in the fields of law in which they will be working
- Life, professional, social, and community experience
- Awareness of social realities<sup>4</sup>

Once appointed to the Court of Québec, judges follow an orientation program that includes four types of training activities:

- An initial training seminar
- A period of observation<sup>5</sup> in each matter
- A seminar on courtroom communications and conduct
- A specialized training seminar in criminal law offered each year by the [Canadian Association of Provincial Court Judges](#) (for judges who hear youth and adult criminal cases).

Apart from this training, the orientation process includes a mentoring program where experienced colleagues support new judges for a period of two years.

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<sup>4</sup> The [Regulation respecting the selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace.](#)

<sup>5</sup> The newly appointed judge is paired with different colleagues who help them gradually learn their new duties.

## General professional development

General professional development activities are aimed at developing judicial skills and a good understanding of various social issues. They are also intended to encourage judges to think about their personal development throughout their judicial career.

### Examples of seminars offered to judges

- ✓ Writing judgments and courtroom communication and conduct
- ✓ Work methods and computer skills
- ✓ Case management
- ✓ Settlement conferences (civil and youth cases) and facilitation conferences (criminal and penal matters)
- ✓ Social realities and ethics
- ✓ The justice system and First Nations and Inuit people

## Specialized professional development

Judges are invited to specialized professional development sessions based on the divisions in which they sit. These seminars address a number of types of law (criminal, penal, civil, youth, tax, administrative, etc.) as well as charter rights.

### Training of mentor judges

The training seminar for mentor judges provides invited participants with information to help them properly fulfill their role in the Court's mentoring program.

### Personalized training

Personalized training is designed to meet the specific needs of one or more judges on a particular topic.

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**Pilot project underway** – The Court of Québec would like **each judge** to receive specialized training on writing judgments. The goal is for judges to acquire or update the knowledge they need to clearly explain the reasons behind their decisions and therefore facilitate access to justice. Since decisions are judges' main form of communication, the course focuses primarily on how to structure decisions and use clear language. *This project is carried out in collaboration with the Canadian Institute for the Administration of Justice. By the end of the pilot project, the seminar will have been given 13 times.*

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## **REGIONAL TRAINING ACTIVITIES**

Administratively speaking, the Court of Québec is divided into [10 coordinating regions](#). The teams of coordinating judges responsible for these regions must organize two days of training for their colleagues.

This training activity has two objectives. The first is to update judges' legal knowledge in relation to recent developments in jurisprudence and legislation (e.g., new provisions on cannabis, consumer protection, etc.). The second objective is to give judges the opportunity to discuss practices and topics of regional interest with their colleagues (e.g., regional community resources or special projects for people with mental health or addiction problems).

## **OUTSIDE PROFESSIONAL DEVELOPMENT ACTIVITIES**

Judges can attend seminars given by various organizations that, like the Court of Québec, offer judicial training. A few examples are [National Judicial Institute](#) and the [Canadian Institute for the Administration of Justice](#). Approximately forty seminars of this nature will be available for 2019–2020 and 2020–2021.

## **JUDGES' INVOLVEMENT AS TRAINERS**

The process for [selecting new judges](#) specifies the type of law in which each new judge will work. It ensures that new Court of Québec judges have the basic expertise they need to do their work as soon as they are appointed.

The judges and presiding justices of the peace at the Court of Québec regularly put their varied knowledge, experience, and talents to work to design and provide training to their colleagues. Because many of them have recognized expertise in specific fields of law, other organizations and courts also invite them to train judges in other jurisdictions.

## **TRAINING: THE RULES OF LAW, BUT ALSO THE SOCIETY IN WHICH THEY ARE ENFORCED**

The professional development program for judges includes training sessions designed to enhance not only their legal expertise but also their technical and scientific knowledge. It also provides opportunities for them to learn more about different aspects of a diversified, multicultural society.

Each professional development activity not only covers the substantive law specific to the matter concerned but also the social context in which disputes arise.

**An opportunity to discuss a number of social issues**

Training session content goes beyond the strict application of the law. It also covers the social realities judges must consider when making decisions.

For example, specific topics include mental health, homelessness, addiction, unemployment and poverty, domestic violence, the history of Indigenous peoples and its impact on their current situation, child development and the changing face of parenting, limited access to justice, prejudice, characteristics of various cultural communities, the challenges of immigration, and pitfalls to be avoided to prevent wrongful convictions.

Training on sexual offenses focuses on changes in jurisprudence and legislation in connection with the concept of “consent”, the admissibility of the means of defense, and the criteria used to ensure that no myth or stereotype influences how the credibility of complainants is assessed.

**Training on sexual offenses and domestic violence**

Since the judges of the Court of Québec are responsible for hearing almost all cases on sexual offenses and domestic violence, they receive the training they need to handle such cases brought before them on a daily basis.

July 27, 2023