

SEMINAR ON PERSONAL PREJUDICES AND COGNITIVE BIASES

For Judges and Administrative Decision-Makers

LANGUAGE: Bilingual with simultaneous interpretation



Online Program | Thursday, January 25, 2024



[REGISTRATION FORM](#)

Seminar Overview

Understanding unconscious and cognitive biases is essential to promoting fair outcomes. This seminar aims to raise judges and administrative decision-makers' awareness of prejudices and biases and to prevent them from having an impact on their decisions.

The program aims to provide participants with tools to recognize personal prejudices and cognitive biases in the decision-making process, help judges and administrative decision-makers to address these biases, and encourage them to suspend their judgment and maintain deliberative engagement from beginning to end of the decision-making process.

Several strategies are offered in this training, including checklists to detect biases, decision-making matrices, and breakdowns, sequencing the reception of information in a manner that reduces the effects of biases, and considering an outside view in evaluating the facts and law.

Topics Overview:

- What are personal prejudices and cognitive biases and why should adjudicators care about them?
- How does the decision-making process unfold?
- What are the instances in which prejudices and biases present themselves in the decision-making process?
- How can we reduce the influence of prejudices and biases on adjudicators?

Co-Chairs

- The Honourable Justice Peter Lauwers, Court of Appeal for Ontario
- The Honourable Justice James W. O'Reilly, Federal Court
- The Honourable Justice Daniel W. Payette, Superior Court of Québec

Participation in this program is approved under Section 41 (1) of the *Judges Act*.

PT: 8:00 am **MT:** 9:00 am **CT:** 10:00 am **ET:** 11:00 am **AT:** 12:00 pm **NT:** 12:30 pm

NOTE: The time zone used in the program is Eastern Time

PROGRAM | THURSDAY, JANUARY 25, 2024

10:45 – 11:00 am LOGIN AND ONLINE PROGRAM SET UP

11:00 – 11:05 am WELCOME REMARKS AND INTRODUCTION

Co-Chairs

- The Honourable Justice Peter Lauwers, Court of Appeal for Ontario
- The Honourable Justice James W. O'Reilly, Federal Court
- The Honourable Justice Daniel W. Payette, Superior Court of Québec

11:05 – 11:45 am The Science of Implicit Bias

Moderator

- The Honourable Justice James W. O'Reilly, Federal Court

Speaker

- Dr. Toni Schmader, PhD, Professor, Department of Psychology, University of British Columbia

11:45 am – 12:50 pm Cognitive Biases and Prejudices in the Legal Sector

Moderator

- The Honourable Justice Daniel W. Payette, Superior Court of Québec

Speaker

- Eric M. Muszynski, Professor and PhD candidate in philosophy; Editor, Shortcogs.com

12:50 – 1:30 pm LONG BREAK

1:30 – 2:45 pm Cognitive Bias and Judging

This presentation will describe what lawyers think about judicial decision-making and how their understanding of decision-making might influence their persuasive methods and strategies. In a nutshell, lawyers believe that emotion, experience, and ideology affect how judges decide; that judges are as susceptible as anyone else to cognitive biases; and that successful advocates tailor their arguments to match judicial expectations while taking advantage of judicial reliance on emotion and pre-existing beliefs. We will illustrate how lawyers might use various cognitive influences, including 1) neutrality; 2) familiarity; 3) coherence; 4) framing; and 5) representativeness.

Moderator

- The Honourable Justice Peter Lauwers, Court of Appeal for Ontario

Speaker

- Kathy M. Stanichi, E.L. Cord Foundation Professor of Law, William S. Boyd School of Law, University of Nevada, Las Vegas; co-author of *Legal Persuasion. A Rhetorical Approach to the Science*

2:45 – 3:00 pm SHORT BREAK

3:00 – 3:40 pm Coping with Cognitive Biases

Speaker

- The Honourable Justice Peter Lauwers, Court of Appeal for Ontario

3:40 – 4:55 pm Experiences on the Frontlines as Counsel and as Judge

Key words: reason, struggle, snap judgments, values, memory, socialization, and other personal attributes; bias affecting behaviours including decision-making, judgment, beliefs, and social interactions.

The panellists reflect upon personal prejudice in the judicial system, based on what they have seen in their functions as judges as well as in their former position as counsel.

Moderator

- The Honourable Justice James W. O'Reilly, Federal Court

Speakers

- The Honourable Chief Justice Michael Tulloch, Court of Appeal for Ontario
- The Honourable Justice Palbinder Kaur Shergill, Supreme Court of British Columbia
- The Honourable Justice Azim Hussain, Superior Court of Quebec

4:55 – 5:00 pm CLOSING REMARKS

Co-Chairs

- The Honourable Justice Peter Lauwers, Court of Appeal for Ontario
- The Honourable Justice James W. O'Reilly, Federal Court
- The Honourable Justice Daniel W. Payette, Superior Court of Québec

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The \$200 membership fee is recoverable by federally-appointed judges under S. 27(1) of the *Judges Act*. Provincial and territorial judges, other judicial officers and board and tribunal members may be entitled to reimbursement through judicial or other professional allowances.

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Canadian Institute for the Administration of Justice
5950, Chemin de la Côte-des-Neiges, Office 450
Montréal, Québec, Canada
H3S 1Z6

Tel: 514 -731-2855
Email: ciaj@ciaj-icaj.ca



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