

WRITING REASONS IN SEXUAL ASSAULT CASES

Program for judges and administrative tribunals members

LANGUAGE: Bilingual with simultaneous interpretation



Online Program | Thursday, December 5, 2024

Seminar Overview

Historically, sexual assault complainants have faced scepticism and hostility in the Canadian legal system. For example, the law used to permit invasive and humiliating questioning of complainants. Many reforms have been enacted in recent years to address this problem.

In addition, greater focus has been placed on the role of judges who decide sexual assault cases. Recently, amendments to the *Judges Act* urge the Canadian Judicial Council to provide judicial training on sexual assault law and social context. In addition, the *Criminal Code* now requires judges to issue reasons in sexual assault cases (s 278.98). This enactment may draw greater attention to the reasons judges give in these cases.

This online seminar will discuss how to formulate sound reasons in sexual assault cases using sensitive and appropriate language, and avoiding harmful stereotypes. The seminar will feature a combination of (1) lectures by judges; (2) exercises and small group discussions exploring common problems and how to address them; and (3) individual writing time to practice the skills gained from the seminar. In particular, the course will address the difficulties in expressing credibility findings with respect to vulnerable people and discuss the risks of relying on so-called common sense. Participants will learn how language and tone may be used to emphasize healing and avoid re-traumatizing individuals.

A fact pattern will be developed and participants will use this hypothetical scenario to practice the writing of reasons. Participants will leave with a greater understanding of themes that often arise in sexual assault cases: What do appeal courts look for? Should oral reasons differ from written ones? What kinds of common and subtle stereotypes should judges keep in mind (and out of their reasons)?

**It is recommended to participate in the [Judgment Writing Seminar](#) or the [Decision Writing Seminar](#) prior to taking this course.*

Planning Committee

- **The Honourable Justice Susanne Boucher**
Superior Court of Justice (Ontario)
- **The Honourable Justice Breese Davies**
Superior Court of Justice (Ontario)
- **The Honourable Justice Michele H. Hollins**
Court of King's Bench of Alberta
- **The Honourable Justice James W. O'Reilly**
Federal Court
- **The Honourable Justice P. Colleen Suche**
Court of King's Bench of Manitoba; CIAJ's Past President

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

Photo: Jessica Deeks Photography



START TIME ACCORDING TO DIFFERENT TIME ZONES IN CANADA

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

AGENDA | THURSDAY, DECEMBER 5, 2024

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

11:00 – 12:15 pm STRUCTURE YOUR DECISION WITHOUT FALLING INTO TRAPS / DISCUSSION ON POTENTIAL LANDMINES AND PROBLEMS ASSESSING CREDIBILITY IN SEXUAL ASSAULT CASES

Speakers

- The Honourable Justice Breese Davies, Superior Court of Justice (Ontario)
- The Honourable Justice Renee M. Pomerance, Court of Appeal for Ontario
- The Honourable Justice P. Colleen Suche, Court of King's Bench of Manitoba; CIAJ's Past President

12:15 – 12:45 pm GROUP WORKSHOPS

12:45 – 1:30 pm LUNCH

1:30 – 2:15 pm THE IMPORTANCE OF WRITING IN A NON STEREOTYPICAL WAY

Moderator

Speaker

- The Honourable Justice Susanne Boucher, Superior Court of Justice (Ontario)
- The Honourable Justice Andromache Karakatsanis, Supreme Court of Canada

2:15 – 2:30 pm Q&A WITH THE HONOURABLE JUSTICE ANDROMACHE KARAKATSANIS

2:30 – 4:45 pm GROUP WORKSHOPS

4:45 – 5:00 pm WRAP-UP SESSION, QUESTIONS AND TAKEAWAYS

Moderator

- The Honourable Justice Breese Davies, Superior Court of Justice (Ontario)

5:00 – 5:05 pm CLOSING REMARKS

Co-Chairs

- The Honourable Justice P. Colleen Suche, Court of King's Bench of Manitoba; CIAJ's Past President
- The Honourable Justice Susanne Boucher, Superior Court of Justice (Ontario)



CIAJ's Conference on Addiction, Mental Health, and the Law will delve into the complex interplay between substance abuse, mental health issues, and the criminal justice system. This event will bring together experts from various disciplines and Indigenous Knowledge Keepers to examine the multifaceted challenges faced by courts, law enforcement, treatment providers, policymakers, as well as communities, families, and individuals.

Join us as we explore these pressing questions and discuss necessary changes to better address the challenges at the intersection of addiction, mental health, and criminal justice.

<https://ciaj-icaj.ca/en/upcoming-programs/conference-on-addiction-mental-health-and-the-law/>

For further information, please contact CIAJ's Assistant Director, **Lise Bujold**:
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IN ALL FAIRNESS

CIAJ podcast

In All Fairness is a podcast channel welcoming representatives from the legal community and exploring how we can all contribute to improving the administration of Justice in Canada.

Benefit from informed discussions on key issues, essential knowledge and insights to strengthen your practice on a wide variety of topics, among which: writing skills, administrative law, dignity, diversity, family law, human rights and Indigenous Peoples.

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CIAJ is a non-profit, independent organization that links individuals and institutions involved in the administration of justice across Canada. Its work is multidisciplinary and wide-ranging. Collaborating with governments, courts, tribunals, professional associations, law schools and law firms, CIAJ sponsors and conducts conferences and specialized seminars and prepares comprehensive papers and reports. Its services are offered in both official languages.

CIAJ's programs provide an opportunity for federal, provincial and territorial court judges not only to interact with judges of courts from all across the country, but also with professors, lawyers, representatives from governments and community organizations. The roundtables, seminars and conferences allow participants to learn and discuss the challenges facing the justice system and to contribute actively in finding solutions.

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.

<https://ciaj-icaj.ca/en/membership/>

Contact us

Please contact us for more information about our organization, the benefits of membership and how you can assist us with our mission.

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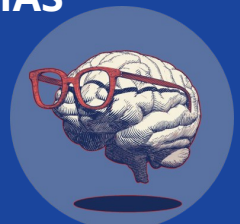
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SEMINAR ON PERSONAL PREJUDICES AND COGNITIVE BIAS

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