

WRITING REASONS IN SEXUAL ASSAULT CASES

Program for judges and administrative tribunals members

LANGUAGE: Bilingual with simultaneous interpretation



Online Program | Thursday, December 5, 2024



[REGISTRATION FORM](#)

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 – 11:05 am WELCOME REMARKS AND INTRODUCTION

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)

11:05 – 11:50 am THE IMPORTANCE OF WRITING IN A NON STEREOTYPICAL WAY

Moderator

Speaker

- The Honourable Justice James W. O'Reilly, Federal Court
- The Honourable Justice Andromache Karakatsanis, Supreme Court of Canada

11:50 am – Noon BREAK

Noon – 1:15 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

1:15 – 1:45 pm GROUP WORKSHOPS

1:45 – 2:30 pm LUNCH

2:30 – 4:15 pm GROUP WORKSHOPS & INDIVIDUAL TIME TO WRITE

4:15 – 4:45 pm TAKE UP ON THE WORKSHOP

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)



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FAIRNESS**

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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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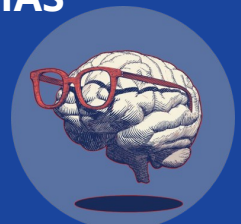
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