SEMINAR ON PERSONAL PREJUDICES AND COGNITIVE BIASES

For Judges and Administrative Decision-Makers

LANGUAGE: Bilingual with simultaneous interpretation



Online Program I Thursday, February 27, 2025

Seminar Overview

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

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

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

Topics Overview:

- What are personal prejudices and unconscious cognitive biases and why should adjudicators care about them?
- How does the decision-making process unfold?
- What are the instances in which these biases and prejudices present themselves in the decisionmaking 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.

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

PROGRAM | THURSDAY, FEBRUARY 27, 2025

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

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

- 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	• Kerry Kawakami, Professor, York University
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	 Émilie Gagnon-St-Pierre, PhD candidate in social and cognitive psychology, Shortcogs

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.

Rhetorical Approach to the Science

Moderator

Co-Chairs

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

Speaker

 Kathy M. Stanchi, E.L. Cord Foundation Professor of Law, William S. Boyd School of Law, University of Nevada, Las Vegas; co-author of Legal Persuasion. A

2:45 - 3:00 pm **SHORT BREAK**

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

• The Honourable Justice Peter Lauwers, Court of Appeal for Ontario Speaker

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

Basing themselves on what they have seen as judges and previously as counsel, the panellists reflect upon the multidimensional ways personal biases and prejudice can manifest themselves in the judicial process, sometimes in an unpredictable manner.

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

CLOSING REMARKS 4:55 - 5:00 pm

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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<u>The \$200 membership fee is recoverable</u> 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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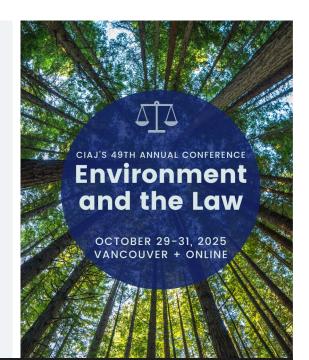
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