

SEMINAR ON PERSONAL PREJUDICES AND COGNITIVE BIASES

For Judges and Administrative Decision-Makers

LANGUAGE: Bilingual with simultaneous interpretation



Online Program | 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, decision-making 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 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 (retired), Senate Ethics Officer, CIAJ's Past President
- **The Honourable Daniel W. Payette**, Superior Court of Quebec (Retired)

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

Co-Chairs

- The Honourable Justice Peter Lauwers, Court of Appeal for Ontario
- The Honourable Justice James W. O'Reilly, Federal Court (retired), Senate Ethics Officer, CIAJ's Past President
- The Honourable Daniel W. Payette, Superior Court of Quebec (Retired), Montreal

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

Moderator

- The Honourable Justice James W. O'Reilly, Federal Court (retired), Senate Ethics Officer, CIAJ's Past President

Speaker

- Kerry Kawakami, Professor, York University

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

Moderator

- The Honourable Daniel W. Payette, Superior Court of Quebec (Retired), Montreal

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.

Moderator

- 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 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

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 (retired), Senate Ethics Officer, CIAJ's Past President

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 (retired), Senate Ethics Officer, CIAJ's Past President
- The Honourable Daniel W. Payette, Superior Court of Quebec (Retired), Montreal

YOUR MULTIDISCIPLINARY AND BILINGUAL LEGAL NETWORK FROM COAST TO COAST

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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