



**OJEN | ROEJ**

ONTARIO JUSTICE EDUCATION NETWORK  
RÉSEAU ONTARIEN D'ÉDUCATION JURIDIQUE

# Update

SPRING / SUMMER 2005

*A civil society through education and dialogue.*

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## Bringing Aboriginal Perspectives to the Justice System



*Justice LaForme at his swearing-in ceremony. Justice LaForme is the first Aboriginal Court of Appeal judge in Canadian history.*

*Supported by the Ontario Trillium Foundation, OJEN has begun a dialogue with Aboriginal communities in the development of justice education programs for Aboriginal youth.*

“There is a reality that Aboriginal people have persisted for thousands of years as distinct cultural entities. They have never been conquered in a war, and they have never surrendered their original right to govern themselves in accordance with their customs and cultures. This remains true in spite of the fact that throughout history, successive federal governments have tried to interfere with, or diminish that right and to replace it with *their* concepts of ‘Native’ government.” This reality, as described by Justice Harry LaForme of Ontario’s Court of Appeal in a presentation to OJEN’s Network meeting in October 2004, is central to how OJEN approaches its new program area working with Aboriginal people. Supported by the Ontario Trillium Foundation, OJEN has begun a dialogue with Aboriginal communities in the development of justice education programs for Aboriginal youth.

Justice LaForme went on to say that while Aboriginal people do not adhere to a single life philosophy, religious belief or moral code, one could say that the meaning of justice is understood differently by Aboriginal society. “Mainstream” society emphasizes punishment for deviant behaviour to make people conform, while Aboriginal people believe justice is about restoration of peace and equilibrium within the community and the reconciliation of the wrongdoer with his or her own conscience, and with the individual or family that has been wronged.

The historical relationship between Aboriginal people and the Canadian justice system has resulted in deep mistrust, as the legal system has been used against Aboriginal people. For example, until 1951 the Indian Act made it an

*(continued on page 2)*

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offence for an Indian to participate in a dance or ceremony at which presents were given away (e.g., a pow wow), or for any person to receive money from an Indian to prosecute a claim (i.e., a law suit). Through the residential school system and other laws, Aboriginal families were disrupted and displaced by deliberate state intervention, the consequences of which continue to have an impact today.

Some of these consequences:

- Across Canada, Aboriginal people make up 3% of the population but 21% of the prison population, and an even higher percentage of the youth custody population
- The suicide rate on Reserve communities is double that of the rest of Canada
- 45% of Reserve youth do not attend high school, compared to 15% for the rest of Canada
- The average family income on and off Reserve is 50% that of other Canadians

It has also been said that in some parts of Canada Aboriginal youth have a greater chance of going to prison than of completing high school.

It is important that OJEN, as it seeks to build working relationships with Aboriginal communities, acknowledge this history and this reality. OJEN begins this work by consulting with and listening to a range of organizations and communities. To that end, OJEN staff have been traveling to First Nations Reserve communities in southwestern Ontario, the near north and the far north.

In addition to the struggles that Aboriginal communities have had to endure, there have been significant achievements.

First Nations communities like Mnjikaning First Nation and Mississaugas of the New Credit have reasserted their jurisdiction over education. While financial support continues from the federal government, band councils now administer their own schools, ensuring that the curriculum includes Aboriginal history and traditions. Mnjikaning First Nation has even negotiated a “reverse tuition” agreement, whereby students living off Reserve can attend their school and have their tuition paid by the provincial government.

Aboriginal communities have begun to address issues in the criminal justice system by importing Aboriginal justice processes into the mainstream justice system. A variety of restorative justice programs using healing circles and sentencing circles based on Aboriginal concepts of justice are being implemented in many communities across the

province, as are protocols developed with Crown Attorneys to divert some cases out of the courts and resolve them through the restorative justice programs.

The following are some successful examples of these programs:

Nishnawbe Aski Legal Services (NAN) provides restorative justice services to fourteen Reserve communities in the far north. In a community hall in Fort Hope where the Ontario Court of Justice sits four times a year, OJEN staff observed some of NAN’s success stories as clients, with the support of restorative justice worker Betty Achneeneskum, reported on how their lives had been changed since the incident that led to charges. Justice Dino di Giuseppe congratulated offenders on their efforts to take responsibility for offences and on the progress they had made.

In Toronto, Aboriginal Legal Services of Toronto has been operating its Community Council Program (CCP) since 1991. An independent evaluator has found that not only has the program reduced recidivism, but that the “clients interviewed credit the CCP with helping them to make changes in their lives. The reported changes include: housing, training/education, health, substance abuse, social and family relationships, spirituality and involvement with the Aboriginal community. These results stand ... as a testament to the Council’s decisions for these clients.”

In Thunder Bay, the Thunder Bay Indian Friendship Centre operates an Aboriginal Community Council Program. In an independent evaluation, all community members interviewed reported that the process “offers hope to community members by demonstrating that it is not always ‘someone else running the show.’”

Mnjikaning First Nation calls its community healing model “Biidaaban”. Its literature states, “Biidaaban is Ojibwe for the coming of the dawn. It represents a new day and a new beginning that honours our past, present and future.”

Finally, a recent milestone for the Aboriginal community and the Ontario justice system is the appointment of Justice Harry LaForme to the Ontario Court of Appeal. At his swearing-in ceremony, Attorney General Michael Bryant stated that this is the first appointment of an Aboriginal person to this level of court anywhere in the Commonwealth. Marking the significance of the event, ceremonial drumming and presentation of an eagle feather by an Elder of Justice LaForme’s community opened the swearing-in ceremony.

# Welcome from Ontario's Chief Justices,

featuring

## the Chief Justice of the Superior Court of Justice

On behalf of the Chief Justices, I welcome all readers to the third issue of the Ontario Justice Education Network's newsletter *Update*.

This is a milestone year for the Canadian justice system. It was 20 years ago this year that section 15 of the Canadian Charter of Rights and Freedoms was proclaimed into force. This section, which has had an important impact on our legal jurisprudence, enshrines and protects equality rights for all of Canada's diverse residents and citizens. OJEN is working with Network partners to develop *Landmark Case*, a teaching resource on major cases relating to section 15. Law associations throughout the country will mark the section 15 anniversary.

Under OJEN's sponsorship, a large number of events this year are designed to further increase public awareness and understanding of our Canadian legal system. In addition to the Ontario Bar Association provincial mock trial tournament, local committees have developed exciting community mock trial events that include hundreds of students and justice sector

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## Roy and Ria McMurtry Endowment Launched

The Roy and Ria McMurtry Endowment was launched at the Law Foundation's Guthrie Awards, held at the Art Gallery of Ontario on March 1st. The endowment will support the Second Chance Scholarship Foundation, which funds post-secondary education and training for young people who have been involved in the criminal justice system. Chief Justice R. Roy McMurtry was this year's recipient of the Guthrie Award honoring an individual or organization for performing outstanding public service in the administration of justice.



Roy and Ria McMurtry at the Guthrie Award celebrations.



The Honourable Heather Forster Smith,  
Chief Justice of the Superior Court of Justice

representatives. See for example the page 10 article on the recent Sudbury event. *Courtrooms & Classrooms* visits continue to enable thousands of students to visit courthouses each week and two OJEN regions have set dates for Summer Law Institutes for Secondary School teachers.

The first framed posters from OJEN's *Art in the Courts* program have been sent out to Ontario courthouses for display. The posters were selected from among regional winners of Legal Aid Ontario's Law Day Grade 5 Poster Competition. Artwork selection for 2005 is underway.

Alongside locally initiated Law Day events, the Ontario Bar Association is taking the lead in working with its Law Day partners to prepare a weeklong series of activities celebrating Law Day 2005, including mock trials, community forums, court visits, photography contests, debates, and many other events, in support of the theme: "The Law: Its Importance to You".

At our first Network meeting of 2005, which took place February 17, OJEN's new Network partner L'Association des Juristes d'Expression Française de l'Ontario (AJEFO) was represented by President Daniel Boivin and Executive Director Sonia Ouellet. I know that OJEN looks forward to working with AJEFO on justice education initiatives for Ontario's Francophone communities.

Newly available resources for justice sector volunteers and teachers are now accessible through the OJEN website at [www.ojen.ca](http://www.ojen.ca), including information on the history and role of Ontario's Justice of the Peace bench. In addition, the site has links to presentations from the colloquia on the Legal Profession coordinated by the Chief Justice of Ontario's Advisory Committee on Professionalism. The site also links to the important new multimedia educational program *You Be The Judge*, developed for integration into high school courses by the Canadian Superior Court Judges' Association. Judges, lawyers and teachers will find these new resources helpful in supporting student justice education.

In summary, there exists a variety of exciting opportunities and resources to help you learn more about the many facets of our Canadian legal system. I encourage you to participate in as many of these as possible. I also thank the many volunteers who have given their time in the promotion of justice education.

**The Honourable Heather Forster Smith**  
Chief Justice of the  
Superior Court of Justice

# Celebrating the Charter's Twenty Year "Dialogue on Equality"

April 17 marks the 20th anniversary of the coming into force of section 15, the equality rights provision of the *Canadian Charter of Rights and Freedoms*. Section 15 guarantees equality before the law, and freedom from discrimination on grounds such as race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. The initial debates around the wording of section 15 and almost two decades of precedent setting case law confirm the adage that the law is a living instrument that reflects social change and progress.

From the time of its drafting, the equality rights provision has been subject to public controversy and vigorous dialogue. When a draft provision was first tabled in Parliament in October 1980, many public advocacy and rights groups made submissions that led to changes in the wording to provide for greater equality protection and express recognition of "physical and mental disability" as a prohibited ground. These changes have had lasting significance in the interpretation of the Charter by the courts.

The Supreme Court of Canada (SCC) has addressed a variety of issues through the lens of section 15, testing the strength and scope of equality and anti-discrimination protections: discriminatory employment testing, the legal recognition of same sex relationships, and access to sign language interpretation in public healthcare services, to name just a few. The SCC has confirmed that section 15 applies to prevent discrimination, whether intentional or unintentional

and whether individual or systemic in nature. It has added analogous grounds, such as sexual orientation, to the express grounds already listed under section 15. In examining anti-discrimination and equality, the SCC has also gone beyond the concept of 'formal equality', which looks at providing the same opportunities to all individuals. It has also addressed 'substantive equality,' and considered stereotypical beliefs

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*In its interpretation of section 15, the SCC has played a vital role in strengthening equality rights, reflecting the view expressed long ago by the late Justice Sopinka that human rights are often the "final refuge of the disadvantaged and the disenfranchised."*

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implicit in a government action, decision or law that result in an unequal outcome.

In its interpretation of section 15, the SCC has played a vital role in strengthening equality rights, reflecting the view expressed long ago by the late Justice Sopinka that human rights are often the "final refuge of the disadvantaged and the disenfranchised." It has read into provincial and federal human rights laws protections that were previously lacking. It has played a critical role in interpreting section 15 by clarifying the duty to accommodate differences – such as religious differences, disability and gender. In the landmark *Meiorin* decision, the SCC examined a workplace fitness standard that was challenged for

being discriminatory toward women. In this application of the equality rights provision, both individual and systemic discrimination were taken into account in a more streamlined and inclusive approach to the duty to accommodate.

Section 15 of the Charter remains a critical instrument for rigorous debate, reflection and dialogue. This can only advance the vitality, and hopefully, tolerance found in our community and in our laws. The equality rights provision is well worth celebrating, as a legal milestone and as a living, evolving law.

To mark the 20th anniversary of section 15 and to encourage critical social dialogue, OJEN, in collaboration with Network partner the Department of Justice Canada, is expanding its Landmark Cases to include two important Section 15 cases: *Law v. Canada* and *Vriend v. Alberta*. Updates will also be made to Landmark Case resources relating to *Halpern v. Attorney General of Canada et al.*

OJEN's Landmark Cases can be found at [www.ojen.ca/eng/resources/resources\\_main.htm](http://www.ojen.ca/eng/resources/resources_main.htm). The *Meiorin* decision can be found at <http://canada.justice.gc.ca/en/ps/sg/p2/si/cssm.html>.

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*The views expressed in this article are those of the authors and do not necessarily represent the views of their employers.*

# Law Day 2005 – The Law: Its Importance To You

What is the law, and why is it so important to our society and to us as individuals? The theme for Law Day 2005, *The Law: Its Importance To You*, will encourage Ontarians to consider these questions and the role our justice system plays within their lives. Law Day 2005 falls on April 14, and a weeklong series of activities will be celebrated from April 11 to 15.

Law Day is marked throughout the province and the country and commemorates the signing of the *Canadian Charter of Rights and Freedoms* in 1982. This year is a particularly important year, as 2005 is the 20th anniversary of the proclamation of the Charter's section 15, which provides Canadians with equality under the law.

Hundreds of volunteers contribute to programs designed to celebrate the Charter and to increase understanding of its importance within our justice system. In Ontario, Law Associations, schools and community groups organize local activity, while the Ontario Bar Association, working in partnership with OJEN, Legal Aid Ontario, and the Education Network of Ontario, leads provincial celebrations.

OJEN's third annual *Great Debate*, an event created specifically for educators, is scheduled for Wednesday April 13, to be followed by a reception hosted by the Law Society of Upper Canada. This year, in collaboration with the Association of French Speaking Jurists of Ontario (AJEFO),

the Law Day committee is also working on a French language law debate, to be screened live on TFO.

Available in both French and English for 2005 is the *Charter Challenge*, a joint project between the Ontario Bar Association and the Education Network of Ontario. It is an on-line moot during which secondary school students present on a scenario that requires application of the Charter. This program culminates in a video-conferencing event on April 13 complete with expert panel to provide students with feedback.

Other Law Day student programs (available in both English and French) include:

- Secondary School Student Mock Trials
- Elementary School Student Mock Trials
- Legal Aid Grade 5 Poster Competition (with entrants being eligible for selection in OJEN's *Art in the Courts* program)
- Photography Competition
- Court Tours

For more program information, or to participate as a volunteer, please visit [www.oba.org](http://www.oba.org).



## Student Art Enriches Ontario Courthouses

Elementary school students' artwork is now gracing courthouses in OJEN's eight Ontario regions, through OJEN's *Art in the Courts* program. The program, initiated by the collaborative effort of OJEN, Legal Aid Ontario, the Ministry of the Attorney General, and the Law Foundation of Ontario, is designed to highlight positive community involvement with our courts and to promote creative results from annual Law Day activities.

OJEN developed the *Art in the Courts* program after exploring ways in which the bonds between the justice sector and the broader community could be strengthened. While visiting courthouses in BC, representatives from Ontario were impressed by the friendlier, more humane atmosphere created in the courthouse environment by student artwork. This inspired the

Ontario *Art in the Courts* program.

This program presents work from the annual Legal Aid Ontario Grade 5 Poster Competition, created as part of Law Day celebrations. Each year students submit posters on the Law Day theme. The first *Art in the Courts* posters are representative of the 2004 Law Day theme, *Diversity: Celebrating Your Right To Be Unique*, while the theme for the 2005 posters is *The Law: Its Importance to You*. Each OJEN region has received one framed poster for display in a courthouse.

The *Art in the Courts* program was initiated through a special grant from the Law Foundation of Ontario made in honour of Elizabeth Goldberg's outstanding contribution as a trustee of the Foundation. OJEN is looking to develop this program in future years in partnership with Ontario's legal community.



Elizabeth Goldberg, Chief Constitutional Counsel with the Ministry of the Attorney General, with Debra Paulseth, Assistant Deputy Attorney General, Court Services Division, with an *Art in the Courts* poster.

# Student Law Symposia – Reaching Hundreds of Students in One Day



*Alan Borovoy, General Counsel, Canadian Civil Liberties Association, with Clare Lewis, former Ombudsman of Ontario and current Law Society of Upper Canada Complaints Resolution Commissioner, presenters at Peel Fall Symposium 2004.*

Reaching hundreds of students in one day – enabling inter class, inter school and inter school board participation – involving justice sector volunteers from different facets of the justice system – covering a variety of legal topics – allowing students flexibility in selecting sessions – what are they? Student law symposia!

Beginning in 2003, in conjunction with Law Day Opening Ceremonies, representatives from the Toronto Catholic District School Board presented an inter school student law symposium. Plenary sessions were followed by small workshop sessions with a variety of topics from which students could choose. The symposium was a great success, and was repeated in 2004 with the inclusion of eight schools from the Toronto District School Board. This year, 400 students and teachers from the two school boards will attend the April 11 symposium. A broad range of topics is presented every year.



*Students listening to opening addresses.*

In Peel Region, two very successful student law symposia were presented to a combined school board audience in 2004. The first saw four schools enjoying addresses by Chief Justice R. Roy McMurtry and Alan Borovoy of the Canadian Civil Liberties Association and afternoon workshops involving topics such as victims' rights, criminal law (complete with a drug sniffer dog), defence counsel's role, and civil liberties. In November 2004, eleven schools and over 300 students participated in Peel's Fall Symposium. Topics were as varied as civil liberties,



*Constable Fox, Peel Regional Police, with his drug sniffer dog.*

family law, parole and offender reintegration, coroner's duties, the Ontario Ombudsman, justices of the peace, forensics, and legal aid. Justice June Maresca presented an interactive session on sentencing and restorative justice (see A Restorative Justice Scenario on next page). OJEN's Taivi Lobu also presented a session specifically for teachers, which examined new teaching resources for teachers of law and civics.

Teachers have advised us that law symposia provide unique educational opportunities. Students can have meaningful dialogue with leaders of the legal community, gain real life perspectives on legal concepts taught as part of the curriculum,

and experience judges and lawyers as approachable people. Inter school board symposia also enable teachers to make new contacts, share ideas on teaching law, or trade information about new teaching resources. While prior classroom preparation is not necessary, preparation of questions for keynote speakers and workshop leaders can generate interesting group discussions during sessions. Students also enjoy the day.

Symposia are also a good way to involve local justice sector volunteers as both presenters and organizers, enabling the development of ongoing relationships between schools and justice sector representatives. A guide for developing a student law symposium is available on the OJEN website at [www.ojen.ca/eng/resources/resources\\_main.htm](http://www.ojen.ca/eng/resources/resources_main.htm).

*"I went to the defence lawyer workshop and was struck by how genuine and honest he was. I thought defence lawyers tried to get around the law. He believed in the law."* – Meadowvale Secondary School student at the first Peel Law Symposium.

Other Ontario regions are looking at developing law symposia for their areas. In the words of Vince Tomei of St. Joan of Arc Catholic Secondary School in Maple, *"A law symposium would allow our region's students to hear from and interact with distinguished legal professionals, and participate in active learning through workshops and plenary sessions"*.



*Justice June Maresca with Karen Thompson, Barrister & Solicitor, Symposium presenters.*

## A Restorative Justice Scenario

Justice June Maresca of the Ontario Court of Justice has a strong history of involvement in public legal education, including OJEN's Summer Law Institutes. Justice Maresca has developed the following scenario to encourage students to examine the issues of sentencing and restorative justice.

Justice sector volunteers are welcome to use the scenario when meeting with students, either in its entirety, or as a springboard for discussion or for creating other scenarios. Sessions could begin and end with looking at the reasons why we punish people. A good wrap-up could be a discussion using examples of real-life sentences and the factors deemed relevant during the sentencing process.

*At 2:00 AM, a person breaks into a house by breaking the glass window in the basement and climbing inside. The burglar goes up to the second floor and takes about \$300.00 of cash from one bedroom and some CDs and a portable CD player from another bedroom. The burglar also takes cans of pop, chips and cookies from the kitchen. Unknown to the burglar, a silent alarm has been tripped. The police arrive and arrest the burglar exiting the front door of the house.*

What should happen to the burglar and why?

Add fact:

*The burglar knew where the money and goods were in the house because the people who live in the house are friends of the burglar, who also knew that they would be away that night.*

Is there any change in what should happen now? Why? (Breach of trust issue)

Add fact:

*The burglar is a 16-year-old girl*

Is there any change in what should happen?

Add fact:

*The burglar is pregnant.*

Is there any change in what should happen?

Add fact:

*The burglar was kicked out of her home because of her pregnancy, was going to run away, but had no money and was hungry. The CDs she took were ones that both she and her best friend loved.*

Is there any change in what should happen?

The scenario is posted in OJEN's website resources section, see [www.ojen.ca](http://www.ojen.ca).

## "Crime Prevention on a Green Blanket"

Babies and students in grades 2 and 3 – a crime prevention strategy? It is when *Roots of Empathy* is involved. *Roots of Empathy*'s mission is simple – build caring, civil and peaceful societies through the development of empathy in children and adults – complementing OJEN's mission of creating civil societies through education and dialogue.

Developed in 1996 by Mary Gordon, the *Roots of Empathy* long term focus is to build the parenting capacity of the next generation, and in the short term to raise levels of empathy, resulting in more respectful and caring relationships and reduced levels of bullying and aggression.



Students listening to *Roots of Empathy* Instructor Linda Armstrong.

The heart of the program is a neighbourhood infant and parent who visit the classroom once a month for the full school year. With a certified *Roots of Empathy* Instructor, students are coached to observe the baby's development, celebrate milestones, interact with the baby and learn about an infant's needs and unique temperament. The *Roots of Empathy* Instructor also works with the class the week before and the week after each family visit to prepare and reinforce teachings using a specialized curriculum that is developmentally appropriate.

OJEN joined a recent visit to Toronto's Winchester Public School that enabled first hand observation of a *Roots of Empathy* session, complete with baby Samantha and her mother Brenda, Grades 2 and 3 students and their teacher Charles Cridland, and *Roots of Empathy* Instructor Linda Armstrong. Visitors included the Hon. R. Roy McMurtry, Chief Justice of Ontario and Chair of the OJEN Network; Justice Ted Ormston, board member of both OJEN and *Roots of Empathy*; Jill Arthur,



Dr. Fraser Mustard, baby Samantha and her mother Brenda, Chief Justice R. Roy McMurtry, and *Roots of Empathy* Executive Director Mary Gordon.

representing Toronto Mayor David Miller; Dr. Fraser Mustard, renown early childhood specialist and researcher; Taivi Lobu, OJEN Executive Director; Cathy Lanni, Office of the Chief Justice; and Joanne Miller, representative of the local Parent Council, together with Winchester Public School principal Marita Adams, Mary Gordon, and Joan Green, Chair, *Roots of Empathy* board.

More information on *Roots of Empathy* can be found at [www.rootsofempathy.org](http://www.rootsofempathy.org).

# Network Partner News

## The Ontario Principals' Council

The Ontario Principals' Council (OPC) is a professional association representing principals and vice-principals employed in Ontario's publicly funded school system. The goal of OPC is to provide its members with the professional services and supports they need to provide exemplary leadership in public education.

As the collective voice of principals and vice-principals, the OPC:

- Works with Ontario's three political parties, district school boards, parents, school councils and other members of the educational community to ensure exemplary schools for Ontario's students;
- Advocates for students by recommending and influencing education policy at all levels;
- Makes recommendations for legislative amendments based on analysis of education law and relevant statutes, with respect to the experience of its members in the field;
- Collaborates with district school boards on the development of effective board policies and procedures;
- Promotes publicly funded education;
- Fosters positive relations between principals/vice-principals and the broader educational community.

The OPC's Centre for Leadership offers training and qualification programs for principals. OPC members also have access to Protective Services Teams consisting of consultants and OPC's General Counsel.

Since 2001, the OPC has managed the OPC Learning Foundation, a charitable foundation to help provide better learning opportunities for children and youth. The mission of the Learning Foundation is to support positive learning environments and to identify social, economic and physical barriers to learning. Funds raised from public and private sources are used for research, public awareness and projects that help remove learning barriers that now exist for children, youth and their families.



## The Association of Community Legal Clinics of Ontario

The Association of Community Legal Clinics of Ontario represents the province's 79 community legal aid clinics. Clinics address the unique legal needs of low-income people and communities. There are 60 "general service" clinics, covering each geographic community in the province of Ontario, and 19 "specialty clinics" serving low-income communities that are not geographically defined (such as the elderly, the disabled, injured workers, etc...).

Clinics are independent organizations, funded primarily by Legal Aid Ontario, but governed by community-elected boards of directors. Each clinic determines the needs of its specific community, and provides the legal services to meet these needs. Clinics utilize a broad array of services, ranging from traditional casework to summary advice, self-help, community organizing, test cases, law reform and public legal education.

### Clinics and Public Legal Education (PLE)

Public legal education is one of the "core businesses" of most community legal clinics. In fact the need to inform low-income communities about their legal rights was one of the rationales behind the creation of the community clinic model in the 1970's. Most clinics employ community legal workers, non-lawyers whose primary function is to educate and organize low-income communities around their legal rights.

In any given year, the community clinic system engages in various PLE initiatives. These range from thousands of legal information seminars to the creation and distribution of millions of pieces of PLE materials on various legal topics. One specific clinic, Community Legal Education Ontario (CLEO, another OJEN Network Partner), specializes in public legal education, and works collaboratively with clinics and community groups to develop clear public legal education materials for wide distribution.



# OJEN and the Toronto Community Housing Corporation

On a cold February evening, over 30 young people and community members came out to meet with judges and lawyers at the Elmbank Community Centre in Toronto's Jamestown community to talk about justice. Questions ranged from the role of Crowns, judges, and defence counsel, to how judges deal with their emotions when sentencing young offenders. Many of the youth were newcomers to Toronto from Somalia and the Caribbean.

Using a scenario involving a young offender, justice volunteers talked about their roles. Youth were particularly impressed with Joseph Di Luca, who explained that his job as defence counsel is to put forward to the court the best face of the persons appearing before the court.

Justices Lloyd Budzinski and Paul Taylor talked about how evidence is assessed and how this has changed over the years. Justice Taylor used the example of a rape victim who may wait before going to the police. While twenty years ago the delay was used to attack her credibility, now there is an understanding that it is natural to be reluctant to make a public complaint. Justice Budzinski said that evidence is assessed against expectations about behaviour, and judges need to understand the community to do their jobs well.

Youth seemed surprised to learn from Counsel Matthew Boswell that the focus of his job as Crown prosecutor is not to convict an accused person but to fairly present evidence to the court. Counsel Michael DeVries explained duty counsel's role of ensuring young people have timely legal advice and can apply for legal aid. The youth also heard from Operation Springboard and the Bail Program. One young woman commented that she had not known that there were services to help get young people out of jail if parents couldn't or wouldn't.

The visit was stage one of a three-part youth program



*Youth participants with Assistant Crown Attorney Matthew Boswell*

developed with support from OJEN by Toronto Community Housing Corporation (TCHC) staff, together with justice sector volunteers from the Etobicoke courthouse and the community. The partnership between OJEN and TCHC arose from the Toronto Mayor's Panel on Community Safety. After spending a day shadowing Justice Lloyd Budzinski, TCHC staff were enthusiastic about providing youth from their buildings with justice education opportunities, and allowing them to come together with justice personnel.

*"Having the opportunity as a youth worker to shadow a provincial court judge for a day gave me the chance to see that many families are unaware of just how the justice system operates and how best they can assist their young person when they are in trouble", said Julet Allen.*

The second stage of the program is a visit to the courts that will allow youth and interested parents to watch court proceedings, and engage in interactive discussions with a judge, Crown and defence lawyers. The third stage will be a mock trial, with lawyers coaching youth who had been involved in the first parts of the program. The program will run in at least two other locations.

## More Photos . . .



*OJEN Board members and staff at the November Board Retreat, held in the Advocates' Society's facilities at Campbell House.*



*Chief Justice McMurtry speaking with local participants at the Jane Finch Legal Education Forum held March 5, 2005 in Westview. The Forum was funded by the Law Foundation of Ontario and was co-sponsored by PEACH – Promoting Economic Action & Community Health – along with OJEN, Osgoode Hall Law School, Pro Bono Law Ontario, Jane Finch Community Legal Services, the Toronto District School Board and CLASP – Community Legal Aid Services Programme.*

# Sudbury Mock Trial Applauded by Local Community

The recent Sudbury Mock Trial Tournament for secondary school students received some well deserved attention by local media this past January. The 2005 event not only brought together 120 students from three school boards, but it also included trials in both English and French. The tournament was well received in the community and was covered by both French and English local media, including the Sudbury Star, *Le Voyageur* and *L'Étudiant*. The Sudbury Star's editorial section included a "Thumbs up to the organizers and participants of the mock trials."

Grade 12 student, Mélanie Raymond, addressed the importance of holding French-language trials: "*Je suis fière d'être une pionnière pour la langue française en participant à ce concours.*" Chantal Racette, of *L'Étudiant*, noted how essential the participation of students such as Ms. Raymond is in opening the door for French speaking students to participate in the event in years to come. Her remark speaks to the importance of increasing French-language justice education opportunities across the province, not just in Sudbury. Four teams from Collège Notre-Dame competed for the French language trophy, using the French language version of the Ontario Bar Association's 2005

Mock Trial scenario. Students participating in either language were eligible for individual awards, including Best Crown, Best Defense Counsel and Best Witness. The Edward J. Conroy QC Civility Award was presented to the team demonstrating the greatest respect for the trial process, which, interestingly, happened to be the team taking the overall trophy – Cora Demarco, Kayla Belanger and Britney Homberg, from Lockerby Secondary School.



Sudbury champions Kayla Belange, Cora DeMarco, and Britney Holmberg (Lockerby Secondary School) with Robert Leblanc, Justice Patricia Hennessy, and Andrew Buttazzoni.

## Legal Careers Highlighted For Students

Ontario students are being exposed to more information about the many possible justice sector career options through initiatives such as legal job fairs and display tables at justice education events. Career information can open students' eyes to the many available positions other than the traditional roles of Crown Attorney and defence lawyer. In many regions, there is high demand for the skills of well-trained justice sector professionals such as court reporters, court clerks, probation officers, and courthouse security personnel.

Bilingual staff are in particular demand. OJEN network partner *Association des juristes d'expression française de l'Ontario* (AJEFO) is embarking on a new project to educate high school students in Ontario's French school systems about the career opportunities in the legal field. The long term aim of AJEFO's project is to ensure that Ontario courts have the capacity to conduct proceedings in French.

The second annual **York Region Mock Trial Tournament** in February added a job fair to their event this year, with displays from organizations including the York Region Law

Association, the Crown Attorney's Office, the York Region Police Service, Osgoode Hall Law School, Seneca College (School of Legal & Public Administration) and Humber College (Law Clerk and Court & Tribunal Agent Diploma Program). Students browsed display tables during breaks between trials.

**Law in the Mall**, a public **Law Day** event at Yorkgate Mall in Toronto, is expanding its staged mock trial event to include job fair displays from organizations such as the Ontario Ombudsman, the Law Society of Upper Canada, Seneca and Humber Colleges, the Department of Justice and community legal organizations.

Last year's **Thunder Bay Law Day** activities included career informational events for youth. Again this year the Thunder Bay Law Association is organizing a televised panel that will touch on a variety of issues including the different kinds of work that lawyers do in communities (such as volunteer work), non-traditional legal career options and how to become a lawyer. This call-in show will be broadcast in Thunder Bay and surrounding areas. Such Law Day activities encourage the general public to consider all aspects of justice sector employment.

## Update Notice Board

OJEN welcomes new Network partner l'Association des juristes d'expression française de l'Ontario/the Association of French Speaking Jurists of Ontario (AJEFO), represented by President Daniel Boivin. Shannon Simpson joined the Network as the Ontario History and Social Science Teachers' Association's OJEN Network representative.

Professor Lorne Sossin has joined the OJEN Board as the new Law Foundation of Ontario representative, replacing Bradley Wright.

OJEN thanks Clare Lewis, former Ombudsman of Ontario, for his many contributions to justice education. Mr. Lewis retired as Ombudsman in January, and OJEN congratulates him on his appointment as Law Society of Upper Canada Complaints Resolution Commissioner.

Lawyer Dianne Martin, who passed away suddenly in December, has been selected as the recipient of Legal Aid Ontario's inaugural Sidney B. Linden Award. Ms. Martin's legal career included private criminal law practice, teaching at York University's Osgoode Hall Law School, Academic Director of Parkdale Community Legal Services and co-founding the Innocence Project.

Captain Doug Taylor, who helped pioneer *Courtrooms & Classrooms* in the Superior Court of Justice and Court of Appeal in Toronto, retired in November. He is succeeded by Jim Crawford.

New [www.ojen.ca](http://www.ojen.ca) resources include historical information on Justices of the Peace; case summaries of recent significant cases as identified by Justice Stephen Goudge at the 2004 Toronto Summer Law Institute; and a scenario for speaking with students about criminal law and sentencing developed by Justice June Maresca.

OJEN's website also has a new link to the recent report by former Attorney General the Hon. Marion Boyd, examining the use of arbitration based on religious law to resolve disputes in family and inheritance cases.

Sarah Pole, OJEN's Communications & Program Manager, is replaced by Julie Petruzzellis while on maternity leave. Julie comes to OJEN from a background of community development and academia, and can be reached at 416 947 3308 and at [jpetruzz@lsuc.on.ca](mailto:jpetruzz@lsuc.on.ca).

## Recent & Upcoming Events

Law Day 2005 is being celebrated with a weeklong series of activities from April 11 to 15. See page 5. OJEN's Great Debate 2005, held Wednesday April 13, debates the question: *Do we really need the Charter?*

The annual Public Legal Education Association of Canada conference takes place in Saskatoon, from June 21-24.

The Ottawa Summer Law Institute 2005 has been scheduled for August 24, with the Toronto Summer Law Institute taking place on August 30 & 31.

Local mock trial activity for 2005 is well underway throughout the province. The Sudbury Mock Trial Tournament, incorporating both French and English trials, took place in January. The second annual York Region Mock Trial Competition took place in February, with the third annual Peel Region "Let Justice Prevail" Mock Trial Tournament taking place in March. Simcoe-Muskoka's Mock Trial will take place April 28. The second annual Toronto Catholic District School Board Inter-Board Mock Trial Competitions will be held in May, as will the Halton Mock Trial Tournament.

The Ontario Justice Education Network Chief Justices' Award is being launched this year. The inaugural award recognizes exceptional contribution to the promotion of public understanding, education or dialogue in support of a responsive and inclusive justice system.

The Fourth Colloquium on the Legal Profession – 'Accessing the Justice in Professionalism', presented by The Chief Justice of Ontario's Advisory Committee on Professionalism, took place at the University of Windsor Law School on March 3. See the next column for information on papers presented at past colloquia.

In early March, Madam Justice Andromache Karakatsanis of the Canadian Superior Court Judges' Association and OJEN's Executive Director met with the Council of Ontario Directors of Education, focusing on *You Be The Judge, Courtrooms & Classrooms* and *Summer Law Institute* programs.

## Resource Links

Colloquia on the Legal Profession  
[www.lsuc.on.ca](http://www.lsuc.on.ca)

In September 2000, the Chief Justice of Ontario's *Advisory Committee on Professionalism* was created in order to encourage the development of lawyer professionalism. The committee's main function is to generate ideas and recommendations about initiatives to enhance professionalism. One component of its three-part action plan is a biannual colloquium on the legal profession. The most recent colloquium was held March 3rd of this year at the University of Windsor, with representation from a wide variety of legal practitioners who sat on panels ranging from public interest lawyering to understanding cultural competence in the Gladue court model.

Many of the colloquia presentations will be of interest to teachers and justice sector volunteers speaking with students. They can be accessed on the Law Society of Upper Canada's website ([www.lsuc.on.ca](http://www.lsuc.on.ca)) "News and Convocations" section, or through the "Resources" section of OJEN's website. Presentations include the Honourable Louise Arbour on *Lawyers in a World Criminal Court*, Professor Constance Backhouse on *Gender and Race in the Practice of Law* and the Right Honourable Justice Beverley McLachlin, P.C., on *Judges in a Multi-cultural Society*.

The Medico-Legal Society of Toronto  
[www.mlst.ca](http://www.mlst.ca)

The *Medico-Legal Society of Toronto* was founded in 1950 by a group of doctors and lawyers to promote medical, legal and scientific knowledge, cooperation and understanding between the professions in the interest of justice and in the best interests of patients and clients.

The "publications" section of the Society's website [www.mlst.ca](http://www.mlst.ca) features resources of interest to Ontario teachers and justice system volunteers, including educational papers.

Topics include: *No Age of Consent in Ontario*; *The Essential Elements of Negligence*; *Death Investigation: A Historical Look at the Coroners Office*; *Confidentiality*; and *Medical Records in Office Practice*. The *Inquest Review* paper outlines the steps and parties involved in a death inquest.

The Society is also in the process of developing a Classroom Resource Program, where teachers can request that a lawyer/doctor team visit their classroom to discuss bioethical issues with students. Teachers can contact Lee Akazaki, Chair of the Society's Outreach Committee, at 416 979-2020 to discuss the availability of this program.



## OJEN | ROEJ

ONTARIO JUSTICE EDUCATION NETWORK  
RÉSEAU ONTARIEN D'ÉDUCATION JURIDIQUE

**OJEN** is a collaborative forum allowing leading institutions and individuals from legal, education, and other sectors to work together on initiatives designed to foster the public's understanding of our justice system. Its organizational structure is comprised of four components – Staff, Network, Working Board, and four Standing Committees.

### **Vision:**

A civil society through education and dialogue.

### **Mission:**

OJEN is dedicated to promoting understanding, education and dialogue to support a responsive and inclusive justice system.

### **Objectives:**

1. Foster public understanding of the justice system and the challenges it faces.
2. Support and encourage the values of a public, transparent and accessible justice system through research and education.
3. Encourage dialogue between justice system participants and the public.
4. Develop, coordinate, or deliver public legal education information and programs to students and others.

Publications Mail Agreement No. 40907017

Return undeliverable Canadian addresses to:

Ontario Justice Education Network  
Osgoode Hall, 130 Queen Street West  
Toronto, Ontario M5H 2N6  
Tel: 416 947 5273  
Fax: 416 947 5248  
ojen@lsuc.on.ca

*Update* is also available at [www.ojen.ca](http://www.ojen.ca)

Please forward requests for copies, notices of upcoming events, submissions of interest to OJEN members and volunteers, change of address notifications, or *Update* feedback to Julie Petruzzellis, Communications & Program Manager at [jpétruzz@lsuc.on.ca](mailto:jpétruzz@lsuc.on.ca)

*Update* est aussi disponible en français.

## **Network**

The Network is a collaborative forum serving as a communications and facilitation link for justice system participants, educators, community representatives and others with an interest in public legal educational activity. The Network has an advisory role to OJEN's Board and Executive Director. Participants include:

- The Chief Justice of Ontario (*Chair*) – *The Hon. R. Roy McMurtry*
- The Chief Justice of the Superior Court of Justice – *The Hon. Heather Forster Smith*
- The Chief Justice of the Ontario Court of Justice – *The Hon. Brian W. Lennox*
- The Minister of Justice and Attorney General of Canada – *as represented by Karen Bron*
- The Deputy Attorney General of Ontario – *Murray Segal*
- The Deputy Minister of Education – *as represented by Kit Rankin*
- The Chair of the Law Foundation of Ontario – *Larry Banack*
- The Treasurer of the Law Society of Upper Canada – *Frank Marrocco*
- The President of the Advocates' Society – *as represented by Wendy Matheson*
- The President of the County & District Law Presidents' Association – *as represented by Lou Ann Pope*
- The President of the Ontario Bar Association – *Ian Kirby*
- The Ombudsman of Ontario
- The Chair of Legal Aid Ontario – *Janet Leiper*
- The Vice-President of the Ontario History & Social Science Teachers' Association – *Shannon Simpson*
- The Executive Director of Community Legal Education Ontario – *Julie Mathews*
- The Education Director of the Canadian Civil Liberties Education Trust – *Danielle McLaughlin*
- The Executive Director of the Association of Community Legal Clinics of Ontario – *Lenny Abramowicz*
- The Institute for Catholic Education – *as represented by Angelo Bolotta*
- The Ontario Principals' Council – *as represented by Collette Dowhaniuk*
- The Executive Director of the Ontario Federation of Indian Friendship Centres – *Sylvia Maracle*
- The ESL/ELD Resource Group of Ontario – *as represented by Peter Heydon*
- The Ontario Council of Law Deans – *as represented by Bruce Elman*
- The Executive Director of the Ontario Council of Agencies Serving Immigrants – *Debbie Douglas*
- The President of the Association of French Speaking Jurists of Ontario – *Daniel Boivin*

## **Board of Directors**

- The Hon. Justice Fran Kiteley, *Superior Court of Justice (Chair)*
- The Hon. Justice Ted Ormston, *Ontario Court of Justice*
- John Kromkamp, *Senior Legal Officer, Ontario Court of Appeal*
- Elizabeth Goldberg, *Chief Constitutional Counsel, Ministry of the Attorney General*
- Kit Rankin, *Director, Curriculum & Assessment Policy Branch, Ministry of Education*
- Lorne Sossin, *Trustee, Law Foundation of Ontario*
- Allan Hux, *The Ontario History & Social Science Teachers' Association*
- Patricia Hatt, *Board of Directors, Community Legal Education Ontario*
- Susan Scott, *Legal Aid Ontario*
- The Hon. Marion Boyd, *Law Society of Upper Canada*
- Angelo Bolotta, *Member-at-large*
- Mariette Carrier-Fraser, *Member-at-large*

## **Standing Committees**

- Organization & Development** – *Chair:* The Hon. Justice Fran Kiteley
- Education & Programs** – *Co-Chairs:* The Hon. Justice Ted Ormston and Allan Hux
- Funding** – *Chair:* Elizabeth Goldberg
- Communications** – *Chair:* John Kromkamp

## **Staff**

- Taivi Lobb – *Executive Director*
- Mary E. Marrone – *Program Director*
- Sarah Pole – *Communications & Program Manager (on leave)*
- Julie Petruzzellis – *Communications & Program Manager*
- Paulette Davis – *Financial Administrator & Executive Assistant*



OJEN is supported by a grant from the Law Foundation of Ontario  
and is also supported by the Ontario Trillium Foundation  
Charitable number: 85548 9134 RR0001

