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ONTARIO JUSTICE EDUCATION NETWORK
RÉSEAU ONTARIEN D'ÉDUCATION JURIDIQUE

Update

WINTER 2003 - 2004

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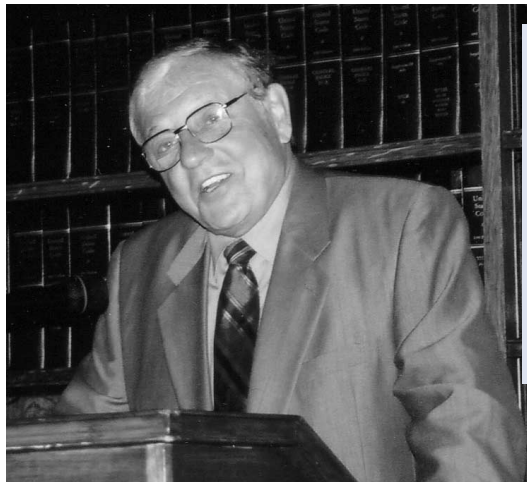
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OJEN Takes Shape



The Honourable R. Roy McMurtry, Chief Justice of Ontario, addressing teachers at a Summer Law Institute.

“There is a wealth of legal and judicial resources in communities across the province. We are seeking to encourage opportunities to channel this for the benefit of future generations in a manner that is both responsive to local needs and supports existing initiatives.”

Ontario is fortunate to have many excellent public legal education programs involving the courts, lawyers’ associations, legal aid, legal aid clinics, community organizations, government, the education system,

and individual volunteers. OJEN’s signature programs “Courtrooms & Classrooms”, and Summer Law Institutes for teachers reach tens of thousands of students and hundreds of teachers each year and are made possible by the activity of hundreds of volunteers, which include judges from all levels of the courts, members of the bar, the Crown Attorney’s office, managers of court operations, other justice system professionals, teachers, and community representatives. These volunteers, through their support and motivation, have created a valuable tradition of public outreach.

Detailing the many noteworthy examples of justice education and outreach occurring across the province, *Update* will serve to provide you with resources, ideas and inspiration applicable to justice education initiatives within your communities.

The Honourable R. Roy McMurtry,
Chief Justice of Ontario

As Chair of the Network, I am pleased to welcome you to *Update*, the newsletter of the Ontario Justice Education Network (“OJEN”). Launched in April 2002 on the 20th anniversary of the Canadian Charter of Rights and Freedoms, OJEN has gone from strength to strength since its inauguration. OJEN brings together leading institutions from the justice, legal, and education sectors to strengthen public understanding of the justice system as a vital foundation stone of a democracy. In 2000, I created a public legal education task force together and working with the Chief Justices of the Superior Court and the Ontario Court of Justice. OJEN was developed from that task force – as a collaborative forum to facilitate and focus justice education initiatives.

OJEN supports educational activities, working with partners and volunteers to develop meaningful links between the justice system and the community by facilitating fora for individuals, particularly students, to engage in dialogue relating to the justice system. OJEN also looks forward to working more closely with our partners in the francophone, aboriginal and immigrant communities, as well as furthering justice education activity with young children and youth-at-risk.



Students from Lawrence Heights Middle School perform at the launch of OJEN during Law Day celebrations, April 2002.

Welcome from Justice Fran Kiteley, Chair, OJEN Board

This marks the premier issue of *Update*, the newsletter for the Ontario Justice Education Network (OJEN). OJEN's Board has been busy since its launch in 2002. One of its first tasks was to create a Three Year Plan, articulating its vision, mission statement and mandate. OJEN's vision is "a civil society through education and dialogue." The



Justice Fran Kiteley.

approach is collaborative, with a range of participants coming together to promote public understanding, education and dialogue to support a responsive and inclusive justice system.

OJEN's structure includes a working Board, which meets every couple of months, and the broader Network, which meets twice per year. The Network, chaired by Chief Justice Roy McMurtry, includes leaders from the judicial, legal, education, public, and community sectors. When the Network meets, its participants bring to the table specialized expertise, insights and resources, to help ensure that justice education activity can effectively address the challenges our society faces. OJEN's four Standing Committees, (Education & Programs, Funding, Organization & Development and Communications), include representatives from the justice, legal and education communities.

An important priority for OJEN is supporting province-wide activity, with the involvement of regional judicial contacts, local education committees, volunteers and various program partners. Hundreds of judges, Crown Attorneys, lawyers and court officials volunteer their time in courtrooms and classrooms throughout Ontario, providing tens of thousands of students and members of the public opportunities for dialogue and understanding of the justice system. Local volunteer committees of judges, lawyers, teachers and others, in Windsor, Ottawa, London, Sudbury and Toronto, have organized tremendously successful Summer Law Institutes for high school teachers in collaboration with local law schools, universities, courts, publishers, and others. These ventures have given hundreds of high school teachers superb opportunities for discourse and learning with leaders of our justice system.

As well, "Values of the Justice System" is an educational resource for teachers which links key values identified by Ontario's Chief Justices to the law-related grade 10 Civics curriculum expectations. Developed by OJEN with leading educators, it has been distributed to all high schools within

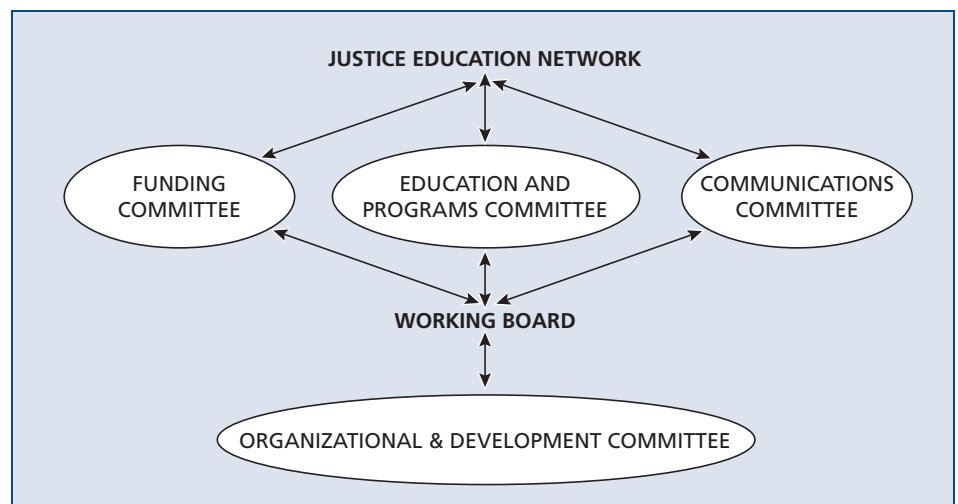
the Ontario English and French language school boards.

In addition to continuing existing initiatives, including support of the Ontario Bar Association's Law Day activities, over the coming years OJEN is looking to developing capacity for justice education opportunities in relation to young children, youth at risk, aboriginal, francophone and immigrant communities.

Law-related education initiatives are developing not just within Ontario, but also nationally, with the Canadian Superior Court Judges' Association, the Department of Justice and the Public Legal Education Association of Canada.

The ongoing commitment of network participants, volunteers, and staff has made the evolution of justice education activity possible. The glowing feedback received from students and teachers is an indicator that vital roles are being filled, and services are well targeted as OJEN moves forward.

Welcome to *Update*. I hope you find within these pages resources, ideas and inspiration applicable to your own justice education initiatives.



Welcome from OJEN Executive Director



Students presenting their case during the 2003 Peel Mock Trial Tournament.

By the summer of 2001, within a year of its existence, Ontario's public legal task force had achieved an impressive groundswell of volunteer commitment from judges, crown attorneys, lawyers, court operations managers, legal aid clinics and others in support of justice outreach activity. Having spent some years as a lawyer, an adjudicator, and the executive director of Community Legal Education Ontario, I was excited to join the initiative, and help realize shared ideals concerning the administration of justice. With dedicated attention of the task force's working group, composed of Justice Fran Kiteley, Justice Ted Ormston, Elizabeth Goldberg, Allan Hux, John Kromkamp, Mark Leach, Julie Mathews, Mary Brown, Marilyn Pilkington, and Jeffrey Stutz, hands-on leadership from Chief Justices McMurtry, LeSage and Lennox, and support from the Law Foundation of Ontario and a range of other organizations and individuals, the activity which began as the public

legal education task force became a long-term forum with the incorporation of the Ontario Justice Education Network.

Tremendous progress has been made since OJEN's launch with the 2002 Law Day celebrations. The Network, which meets twice a year, brings together Ontario's Chief Justices, representatives of the Department of Justice, Ministry of the Attorney General, Ministry of Education, Law Society of Upper Canada, Advocates' Society, County & District Law Presidents' Association, Ontario Bar Association, Office of the Ombudsman, Legal Aid Ontario, Community Legal Education Ontario, Association of Community Legal Clinics of Ontario, Ontario History and Social Science Teachers Association, Ontario

Principals' Council, Ontario Federation of Indian Friendship Centres, and others.

In these pages you will read about some of the justice education activities and programs being carried out in Ontario. From the outset, OJEN has flourished because of the capabilities and commitment of individuals and organizations who see public understanding of the justice system as a priority. Such efforts are fundamental to the ongoing development of our society. As often stated by Chief Justice McMurtry, the strengthening of the public's understanding of the administration of justice strengthens a vital pillar of democracy.

With the continuing support of the Law Foundation of Ontario, OJEN is developing its capacity to better support volunteer efforts with communications and resources. In 2004, we are looking to continue to grow as a forum that will help realize the ideals expressed in OJEN's mission statement – to promote public understanding, education and dialogue to support a responsive and inclusive justice system.

Taivi Lobu



Taivi Lobu, OJEN's Executive Director (left), with Alice Campbell, Judicial Secretary in Peel. Alice received a Ministry of the Attorney General and Ontario Native Affairs Secretariat Employee Recognition Award for her support of Courtrooms & Courtrooms activity.

Justice Education Initiatives Throughout Ontario

From 2000 onwards, judges from the Superior Court and the Ontario Court of Justice from all parts of Ontario have volunteered to facilitate public education activity in collaboration with other representatives from the justice system (i.e., the Crown Attorney's office, the private bar, duty counsel, courthouse managers and staff, victim-witness organizations) and the education community. Here is a sampling of local activities:

In *Central East* region, dynamic Courtrooms & Classrooms activity takes place in various centres with a strong local committee, including school board representatives, meeting in Oshawa. With no courts in session on Remembrance Day, judges, lawyers, and Crown Attorney representatives have used this day for justice outreach programs in local high schools. Regional judicial contacts are Justice Margaret Scott and Justice Paul Bellefontaine. A local committee including educators, the Crown Attorney's office and the bar is also getting underway in Newmarket.

Justice Nancy Kastner and Justice Silja Seppi are the regional judicial contacts in *Central West* region. There are activity centres in Walkerton, Owen Sound, Brampton and Milton. Planned by the local education committee, the Courthouse in Brampton was the site of the 1st annual Peel Region Mock Trial Tournament in 2003. The Committee has also initiated "adopt a school" programs with local law firms, supported the "Take Your Grade 9 Child to Work Day", and judge shadowing activity for teachers. Judge and Crown shadowing are opportunities for students in Halton, where a local education committee has started a mock trial program for students.

Regional judicial contacts for *Central South* are Justice Tom Lofchik and Justice Bernd Zabel. Hamilton is an active centre for justice outreach, with

judges speaking with thousands of students during Courtrooms & Classrooms visits, and enjoying an excellent relationship with the local law association. In St. Catharines, a local education committee has been established under the leadership of Justice Don Taliano, with an effective program for student visits in courtrooms and classrooms.

Activity centres in the *South West* region include Sarnia, Windsor, Chatham and London. Judicial contacts for the region are Justice Terry Patterson and Justice Lucy Glenn. In addition to having thousands of students participate in Courtrooms & Classrooms visits, collaborative committees in Windsor and London, together with the law schools in the respective cities, presented excellent Summer Law Institutes.

North East has its centre in Sudbury. Regional judicial contacts are Justice Trish Hennessey and Justice Randy Lalonde. Local justice outreach leaders have worked with Laurentian University, initiating a successful Summer Law Institute that included sessions on aboriginal law, and a mock bail hearing. In addition, a mock trial tournament was held earlier in the year, and the legal community presented Criminal Codes to representatives of the school boards.

In *North West* region, where the regional judicial contacts are Justice John DeP. Wright and Justice Dino di Giuseppe, the Thunder Bay legal community is initiating local Law Day activity for 2004. Justice Erwin Stach in Kenora has developed a strong program connecting students with the local justice officials.

Ottawa is the main centre for *East* region, where regional judicial contacts are Justice Judy Beaman and Justice Jennifer Blishen. Ottawa teachers were able to benefit from a rich Summer Law Institute program, organized with the participation of many of the leading justice institu-

tions centered in the capital. Activity connecting students with judges and lawyers, including class visits and mock trials, is taking place in various centres in the East region. The Young Lawyers Division of the Ontario Bar Association has been providing a mock trial experience relating to racial tolerance for Grade 6 students with both French and English language school boards.

As well as being a locale for teachers to attend a Summer Law Institute, *Toronto* region's Courtrooms & Classrooms program reaches many thousands of students, and enjoys strong support from the legal community. Justice Lloyd Budzinski introduced a judge-shadowing program for high school teachers in the summer of 2003. Members of the justice community have also been actively collaborating with other initiatives, such as a "Harry Potter" mock trial that was developed with grade 6 students in a local school. Judicial contacts are Justice Ted Ormston and Justice Fran Kiteley.

Some of the programs and initiatives operating throughout the province are detailed below. Please let us know if there are other programs operating in your area.

Courtrooms & Classrooms OJEN's signature program, developed primarily for students. Facilitates courtrooms and classrooms visits with opportunities for question and answer sessions with judges, lawyers, Crown Attorneys, court managers, duty counsel and others. Tens of thousands of students benefit each year. See page 7 for a full Courtrooms & Classrooms article.

Summer Law Institutes Developed to support legal education in Ontario high schools by providing teachers the opportunity to gain informed legal knowledge, and meet with judges, lawyers, law school faculty, community advocates and others. In 2003, institutes ran in Windsor,

London, Sudbury, Toronto and Ottawa. *Update's* page 8 article details the 2003 institutes.

Grade 10 Civics Resource The “Values of the Justice System” Teachers’ curriculum resource materials were distributed to all schools with the English and French language schools boards in Ontario. This resource is available for download from OJEN’s webpages at www.ojen.ca. Further information on this resource can be found in the article below.

The Great Debate The first Great Debate, with the theme of “Civil Liberties and Security – Have We Struck the Right Balance?” took place on April 16, 2003, as part of Law Week celebrations. For further information, see the article on page 10.

Judge Shadowing Enables school teachers to “shadow” a judge for a day.

Grade 9 “Take a Child to Work” Day Facilitates visits by grade 9 students to legal venues. Some local education committees have built on this initiative, developing programs that maximize opportunities for students to interact in a meaningful way with representatives of the justice system.

Adopt a School Enabling lawyers and law firms to form relationships with schools and help support law-related learning. Can include mentoring,

acting as a law resource for teachers or a career resource for students, helping arrange classroom speakers, or providing a “law prize” for the school.

Criminal Code Donation Allows copies of the Canadian Criminal Code, donated by members of the Bar, to be distributed to teachers through local initiatives including Summer Law Institutes, and contributions to schools.

Mock Trials Various mock trial scenarios are now available for use by elementary and secondary school students, many of which can be found on the Ontario Bar Association website (www.oba.org). Mock trial activity can proceed on individual classroom, school, or inter-school levels. Members of the legal community are often involved with coaching and mentoring students. Several local education committees/school boards have established mock trial tournaments in their communities. The annual OBA Law Day Mock Trial Tournament is a highlight of province-wide mock trial activity for high school students, with many participants in local tournaments linking into the OBA Law Day tournament.



Scott Armstrong (right), acts as Crown Prosecutor during a mock trial staged by Lockerby Composite School at the Sudbury Courthouse.

Law Symposia Schools and school boards can run day long inter-school law symposia, with representatives from the legal community leading workshops. The OJEN webpages (www.ojen.ca) feature a guide for teachers on organizing law symposia.

Law Day/Law Week An initiative led by the Ontario Bar Association, Law Day celebrations mark the signing of the Charter of Rights and Freedoms in April 1982, with the aim of promoting public understanding of the justice system, and the role of lawyers and judges in guaranteeing an open and independent justice system. Involving OJEN, Legal Aid Ontario, The Education Network of Ontario, and others, Law Day/Law Week activities include mock trials, court tours, law seminars, poster and webpage competitions, speakers’ bureau, phone-a-lawyer project, and a banquet.

Values of the Justice System: / Valeurs du système de justice : New Resource Supports Teaching of Grade 10 Civics

Recent reforms to Ontario’s secondary school curriculum have made Grade 10 Civics a mandatory subject for all students. With the expectation that over 158,000 Ontario students will be exposed to law-related curriculum through this course, OJEN saw a natural opportunity to support teachers in making law a meaningful area of study for students. This led to the development of **Values of the Justice System, a Resource for Grade 10 Civics**. Intended to complement OJEN’s Courtrooms & Classrooms program, *Values of the Justice System* is a series of lesson plans developed by a writing team of secondary school educators to assist students in fostering an appreciation of the values, issues and concepts related to our justice processes. The resource is based on in-depth discussions the educators had in 2002 with Ontario’s

Chief Justice McMurtry, Chief Justice LeSage and Chief Justice Lennox to identify key values of the justice system.

Based on these discussions, the educators developed a series of five modules, tailored to the law-related curriculum clusters of the Grade 10 Civics course. The resource is published in both English and French. Copies have been sent out to all secondary schools within the public and Catholic school boards. This 160-page resource document is also available free of charge on the OJEN webpages at: www.ojen.ca. The Law Foundation of Ontario funded the development of this resource, with additional assistance from the Ministry of the Attorney General and the Office of Francophone Affairs/Heritage Canada.

Network Partner News

OJEN includes many organizations and representatives who share the vision of fostering a civil society through education and dialogue. Network partners fulfill various roles within our community, which complement the shared vision. It is OJEN's goal to facilitate the understanding of each partner's expertise and resources, and to encourage further collaboration.

Two of OJEN's network partners, and their current initiatives, are featured in this issue:

Community Legal Education Ontario (CLEO) CLEONet: New Online Legal Resource For Community Groups

Something new and innovative is coming to the world of community legal education. Community organizations, legal workers, and educators will soon be able to locate and share community legal education materials and discuss projects they are working on. All it will take is a visit to Community Legal Education Ontario (CLEO)'s new online clearinghouse.

"The initial response to the clearinghouse has been overwhelmingly positive," says Julie Mathews, CLEO's Executive Director. "It has confirmed the need for this type of resource and encouraged us to proceed." CLEO is finishing the project's research and consultation stage and will now focus on funding. Mathews adds, "as the focal point for community legal education in Ontario, CLEO is in an ideal position to undertake this project." CLEO will continue to consult with organizations involved in legal education work in communities across Ontario to ensure that the clearinghouse is useful, accessible, and user-friendly.

Mathews invites OJEN members and supporters to visit the online demonstration model of the clearinghouse, which is called **CLEONet**, at www.metastrategies.com/cleonet and to offer feedback using the online response form. If you have any questions or want more information, you can also contact Mathews directly by phone at 416-408-4420 ext. 23 or by e-mail at mathewsj@lao.on.ca.

CLEO is a community legal clinic dedicated to providing low-income and disadvantaged people in Ontario with education and information that will enable them to understand and exercise their legal rights. For 25 years, CLEO has worked with other legal clinics and hundreds of community agencies throughout Ontario to help them meet

their communities' diverse needs for legal education. CLEO is also a founding member of OJEN and is active on OJEN's Board and committees.

The Ontario Bar Association Law Day 2004 Diversity: Celebrating Your Right to be Unique

Law Day 2004, with the theme of Diversity: Celebrating Your Right to be Unique, is shaping up to be a fun and inclusive way to celebrate the signing of the Charter of Rights and Freedoms; by promoting public understanding of the justice system, the role of lawyers and judges in society, and the diverse and multicultural nature of our province.

Led by the Ontario Bar Association ("OBA"), Law Day is a collaborative initiative with OJEN, Legal Aid Ontario and the Education Network of Ontario.

Province-wide activities in 2004 will include a Mock Trial Tournament, Speakers Bureau, Phone-A-Lawyer, Duty Counsel/Student Matching Program, special sitting of the Citizenship Court, Grade Five Poster Contest, Court Tours, Web Page Design Contest, Student Photography Contest, Great Debate, Law Week Opening Ceremony, and Law Day Banquet. The OBA will also conduct a communications program to support and build upon these events.



The Law Day Mock Trial Tournament scenario and other Mock Trial information including entry dates, together with information about other ways you can be involved in Law Day 2004, are available on the OBA's website at www.oba.org, or by contacting the OBA at communications@oba.org, or (416) 869-1047 ext. 346.

A branch of the Canadian Bar Association, the OBA is a voluntary, nonpartisan association representing more than 15,000 Ontario lawyers, judges and law students. It was formed to provide support by the profession to the profession to better service its members and the public. This is accomplished by both education and representation to government on topics of current concern. The OBA's broad objectives fill every need of the Bench and Bar, and it also represents lawyers in negotiations or confrontations with federal or provincial governments.

Courrooms & Classrooms: Program Benefits Students

They came, they saw, they had an opportunity to see what it's really like. That sums up the feelings of many students after visiting a courtroom and hearing directly from judges, lawyers and other court personnel what the process of justice entails. And it's happening more and more in all parts of Ontario thanks to the local volunteers that make the Courtrooms & Classrooms program possible.

"I suddenly realized that a 'real trial' is nothing like Law and Order or Judge Joe Brown on TV. It is subtle, nerve-wracking and exciting. It was everything I hoped it would be and more. Everything we learned in class has come together since the court field trip," said Morgan Holmes, a student at Sudbury Secondary School, after a court visit. "I absolutely loved the trial and I have decided to pursue a career in the legal field."

While students have been visiting local courthouses for years, the difference with the Courtrooms & Classrooms program is the level of interaction and exchange that it promotes between students and judges and other law-related professions in their community. Rather than just being passive observers of court proceedings, students now have an opportunity to have their questions about the justice system answered by those involved in the process.

Since the program was launched in 2000, tens of thousands of students, mostly at the secondary school level, have participated. While the Ontario Justice Education Network (OJEN) provides the provincial infrastructure and support to sustain the program, Courtrooms & Classrooms wouldn't exist without the local-level commitment of the many judges, lawyers, crown attorneys and other justice system personnel who voluntarily

make themselves available for students.

Through the program, teachers can, by completing a Teacher Request Form, arrange for a courthouse visit and/or access speakers who will either come to the classroom, or take part in a courthouse field trip. The form is



Exploring Osgoode Hall grounds in Toronto.

faxed to a local courthouse administrator who makes arrangements for a speaker – a judge, lawyer, crown attorney, court administrator, or legal aid representative – to address the topics of interest to students. Teacher request forms and fax numbers can be found at OJEN's webpages: www.ojen.ca.

The program has earned high praise from educators. "I have been teaching law to high school students for approximately 19 years and feel that this program certainly makes the court experience much more meaningful," said Karen Ford, a teacher in the Business Education Department at Marc Garneau Collegiate Institute. "I commend the judges and Crown Attorney representatives for implementing and participating in this program. It certainly gives the students a more realistic view of the justice system and the players in it."

Aaron Komlos, a Bachelor of Education student at the Ontario Institute for Studies in Education at the University of Toronto had the chance to see the program up close and in detail as part of the internship component of his studies. He found the candid courtroom exchanges with students to be the most valued part of

the program. "In talking with teachers and students, the consensus was that the most memorable part of the experience was the conference with the courtroom players. Significant learning took place in the interactive sessions with judges, Crown Attorney representatives, and others who work in the courts. The justice system seemed less institutional and more accessible to the students. The interactions are an invaluable experience for students."

From the start, the justice community has demonstrated

strong commitment to the program. In fact, the program evolved out of the Public Legal Education Task Force which was initiated in 2000 by Chief Justice McMurtry, Chief Justice LeSage and Chief Justice Lennox, and which gave birth to OJEN.

"We enjoy these exchanges with students. We're challenged and we always learn something," said Justice Fran Kiteley, of the Superior Court of Justice, and Chair of OJEN's Board. Since 2001, over 30,000 students have visited the courthouse at 361 University Avenue in Toronto. She says the volume of students can be a challenge but that participating court staff recognize it is an important commitment to future generations. "We were really stretched to the limit with the double cohort," she said, referring to the blip that occurred in grade 12 students when grade 13 was eliminated. "But we got through it."

Chief Justice of Ontario Highlights Importance of Teachers' Legal Education Role at Summer Law Institutes

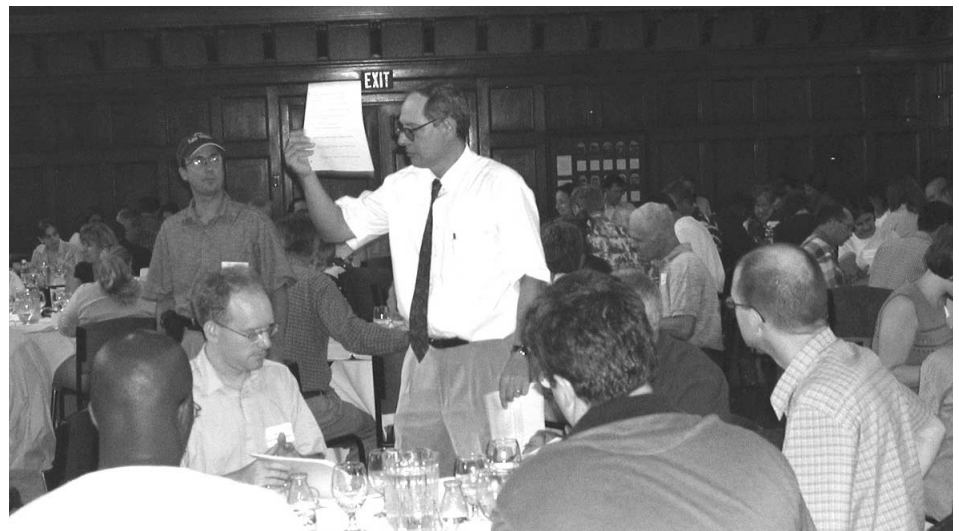


Criminal law panel at the Toronto Summer Law Institute featuring Joe Di Luca, Criminal Lawyers' Association; Ruth Neilson, Crown Attorney's Office; Stacey Christ, Duty Counsel Office; Grace Russell, Ontario Court of Justice; and Justice Ted Ormston.

In addresses to 2003 Summer Law Institutes in London and Toronto, The Honourable R. Roy McMurtry, Chief Justice of Ontario, highlighted the crucial role played by teachers in ensuring a vital and responsive justice system. “As teachers, you are absolutely crucial to the strengthening of public understanding that the administration of justice is a cornerstone of any true democracy,” he said. “While judges and lawyers have an essential role to play in shaping our administration of justice, our efforts will mean little if they do not command the respect of the community, in my view. It is our teachers who have the most vital role of all in shaping the future of our society through your efforts in the classroom.” Chief Justice McMurtry, who was responsible for convening the Public Legal Education Task Force that led to OJEN’s founding, also stressed that attempts to strengthen public legal education should be seen as a collaboration between legal and education communities. “We realized from the outset that strengthening public legal education would require a

“As teachers, you are absolutely crucial to the strengthening of public understanding that the administration of justice is a cornerstone of any true democracy”

Chief Justice R. Roy McMurtry



Allan Hux, Co-chair of OJEN's Education and Programs Committee, discusses teaching strategies.

principle focus, of course, on our high schools, and that we should include representatives of the education community as members of our task force from the beginning in order to benefit from their advice,” he said.

For the second year in a row, OJEN’s *Summer Law Institutes for High School Teachers* program has generated overwhelmingly positive response from participants, and is designed to support legal education in Ontario high schools by providing high school law teachers with up-to-date and informed opinion on the justice system, ideas about teaching strategies, and curriculum support resources. The first such institute was held in Toronto at the Law Society of Upper Canada in 2002. “The response from that institute went well beyond what we had expected. Many teachers told us it was the best professional development opportunity they had ever attended and that it had inspired them to return to their classes with new energy and ideas,” said Taivi Lobu, OJEN’s Executive Director. “We knew we had to look at how we could expand the program to other communities.” This year, with the



Access to Justice panel discussion at the London Summer Law Institute featuring (from left to right) Kathy Chyc, LIFESPIN; Ian Morrisson, Legal Aid Ontario; Marion Boyd, Law Society of Upper Canada; and Professor Bill Bogart, University of Windsor Law Faculty.

added involvement of law schools and universities, institutes were held in Windsor, Ottawa, London, Sudbury, and Toronto, giving teachers from various regions of the province opportunities to learn from leaders of the legal profession. In all, over 300 teachers attended the 2003 institutes.

Justices, lawyers, law professors, community advocates, members of OJEN, and exemplary educators all volunteered their time to share legal insights, teaching and learning strategies, and resources. Presenters included Chief Justice Roy McMurtry and Chief Justice Brian Lennox, and numerous experts in various aspects of the law (family, criminal, international, aboriginal issues, civil liberties). Once again, the response from participants was highly positive – something Taivi Lobu attributes to the calibre of presenters and the commitment of each institute's local organizing committee. "Thousands of students will benefit from the enthusiasm and insight generated at these institutes," she said. "In addition to the ideas, information and resources shared, participants had an opportunity to establish valuable contacts with members of their local legal community."

In addition to local support provided at each of the venues by the universities, faculties of law, boards of education, and local organizing committees, province-wide support for the Institutes was provided through The Law Foundation of Ontario, the Law Society Foundation, Emond Montgomery Publications, and Irwin Law.

Judicial 'Activism'

So-called 'judicial activism' is often simply the exercise of judicial decision-making that courts are obliged to exercise in controversial cases, Brian W. Lennox, Chief Justice of the Ontario Court of Justice, told participants at the 2003 Summer Law Institute in Ottawa. "The courts do not have the luxury of deciding not to decide, as does Parliament," he said. When the Supreme Court of Canada is confronted, for example, with a case that raises questions regarding the constitutionality of an aspect of Canadian law, it cannot defer its decision or declare that the issue is "too difficult or too politically or emotionally charged, or that its decision would lead to too much criticism and involve the court in too much controversy."



In our democratic society, it is the judge who has for centuries been the referee of our major disputes, both individual and societal, he pointed out. "Some would say that judges have now gone beyond enforcing the rules... that they are on occasion interpreting them in a new light and sometimes just making them up." In response to this charge, Chief Justice Lennox highlighted two key points. First, the law is not always clear, and accordingly requires interpretation. Second, it is impossible for a legislator to foresee all of the situations to which any law will apply.

"It is regrettable that courts are seen by some to be fundamentally undemocratic," he said. "They are, however, independent, impartial, unemotional and deliberative." Citing remarks by Roy McMurtry, the Chief Justice of Ontario, he stressed that judges needed to be directed by basic and fundamental values as found in the Constitution – freedom of conscience and religion, of thought and expression; democratic rights; life, liberty and security of person; freedom from arbitrary or unreasonable state intrusion; the right to an independent and impartial tribunal; equality, tolerance and justice. "There is no question that all of these values, as well as our democratic institutions and constitutional processes will be tested in ways that we perhaps cannot yet imagine in a world that is developing in ways that we have not foreseen."

Why are we interested in robes and other remnants of the past?

The Ontario Justice Education Network webpages (www.ojen.ca) have articles on such things as the robes judges and lawyers wear. Why do we bother with such information? We bother with such information because Canadians have inherited not only the English Constitution but also the English court system and its traditions. Such information is valuable because, as we try to educate people about the workings of the court system, it is important that we understand and communicate the value of the traditions which surround and support that system.

For example, in his *History of English Judges' Robes* J.H. Baker reminds us that "continuity, or at least the appearance of continuity, is a valuable asset to any legal system. People have more faith in a system which has stood the test of

(continued on page 10)

Great Law Debate Enlightens, Entertains

Can civil liberties be reconciled with the threat of terrorism? Have we struck the right balance between security and individual rights and freedoms? These were the questions under discussion at OJEN's 1st Annual Great Law Debate that took place at Osgoode Hall during Law Week 2003 before an audience of educators and law professionals.

Moderated by Scott Newark, Special Security Advisor to the Provincial Commissioner of Public Security, the panel featured four provocative and entertaining speakers with diverse views about the topic under discussion: Alan Borovoy, General Counsel, Canadian Civil Liberties Association; Diane Francis, Editor at Large, Financial Post; Rocco Galati, Constitutional and Immigration Counsel, and; Jonathan Kay, Editorials Editor, National Post.

The debate reflected the theme of Law Week 2003 – Freedom, Security and You, and was organized by Justice Ted Ormston and teacher Allan Hux, co-chairs of OJEN's Education and Programs Committee.

Chief Justice Roy McMurtry kicked off the event with a special welcome to the educators present and a reminder to all that students are “the guardians of our democratic institu-

tions in the years to come”. He also stressed the need to find a proper balance between individual rights and the role of the state in protecting citizens. He cited the internment of Japanese Canadians during World War II as an example of the potential for prejudice and hysteria.

Mr. Borovoy began his remarks by conceding that Canadian rights and liberties may not be absolute but may be modified depending on circumstance. He added, however, that while the war on terrorism is legitimate, the new Anti-terrorism Act is too broad and contains too few safeguards. Further, that while it was appropriate for government to move to protect citizens from terrorism in light of September 11, 2001, a legitimate goal does not legitimize all means used to achieve it.

Mr. Newark recounted that while traveling to Washington D.C., he and Toronto Police Chief Julian Fantino had been searched three times enroute, which he saw as problematic. “Bureaucracy measures success by doing more. The answer is not more security but better security – better equipped and better focused.”

Mr. Kay weighed in with his views on what it meant for government action to be more focused. “Racial profiling

is just good policing,” he said, stressing that the police can't search everyone. He added that civil liberty is an elastic concept with circumstances, such as September 11, affecting the balance between security and freedom.

Mr. Galati put forth his definition of terrorism as the threat or use of violence by the armed against the unarmed. In his view, civil rights are human characteristics. They are innate rights rather than bestowed by government. For him, the new Anti-terrorism Act is too broad; it criminalizes boycotts, work stoppages and economic activities. The Canadian Security Intelligence Service Act is sufficient to protect against security threats, he said.

Ms. Francis also expressed the opinion that the Anti-terrorism Act is one of a number of draconian laws, which inhibit the freedom of Canadian citizens. In her view, fears of terrorism in Canada and pressure from the United States in the wake of September 11 had resulted in a quick political fix that had gone too far.

The lively and well-received debate was broadcast on Rogers Cable TV, and the evening ended with a reception at Convocation hall, hosted by the Law Society of Upper Canada.

(continued from page 9)

time, a system which was good enough for their ancestors. [Our] law has undergone vast and sweeping changes, not least in recent years, but it has managed to preserve the appearance of continuity. The robes worn by the Judges have undoubtedly contributed much to this pleasing illusion, for they have continued unaltered in essentials for 600 years.”

Respect for judicial decrees, for the independence of the judiciary, for an accused person's rights, rests upon the traditions which we have inherited. Robes, traditional court practice, traditional court decoration and layout, the traditional

courtesy between bench and bar, all serve to lend dignity to judicial proceedings, to distinguish the courts from other decision making tribunals. They remind people that the administration of justice is THE essential function of the state. In our educational efforts we should not overlook these traditions lest an unknowing generation sweep aside essential safeguards of our judicial system.

**Commentary from Justice John deP. Wright,
Superior Court of Justice
(North West region)**

Update Notice Board

OJEN is pleased to welcome our two newest network partners, the **ESL/ELD Resource Group of Ontario**, represented by **Neil McGrath**; and the **Ontario Federation of Indian Friendship Centres**, represented by **Sylvia Maracle**.

OJEN is benefiting from the expertise and energy of **Meredith Lordan**, as **Education Advisor**, who brings to OJEN her experiences as a high school law teacher and curriculum writer, and is currently working on her Doctorate at O.I.S.E.

Sarah Pole has joined OJEN as **Communications & Program Manager**. Sarah practiced in general litigation in New Zealand for five years, and has also been involved in conference development, legal publishing, and other public interest activities. She can be reached at 416 947 3308.

Taivi Lobu, OJEN's **Executive Director**, has recently joined the board of the **Public Legal Education Association of Canada**, and is involved in the formation of a PLEAC national Law-Related Education committee.

OJEN has a **new web address**: www.ojen.ca. Current webpages feature a variety of information on OJEN, as well as many resources available for download.

OJEN is looking for teachers' feedback and evaluation of its **Grade 10 Law-related Civics resource**: "**Values of the Justice System**", which was distributed to all participants of OJEN's Summer Law Institutes, as part of the Institute's reference materials. The resource and evaluation form are available at www.ojen.ca. Evaluations can be returned by email to ojen@lsuc.on.ca.

CLEO is looking for feedback from OJEN members and supporters on the demonstration model of **CLEONet**, its online clearinghouse, www.metastrategies.com/cleonet. Feedback can be given using the online response form. CLEO and **CLEONet** are featured in our Network Partner News, on page 6.

Recent & Upcoming Events

Law Day 2004: April 15, 2004 and **Law Week 2004**: April 13-16, 2004. For further information visit the Ontario Bar Association website at: www.oba.org.

The Great Debate 2004: A Part of Law Week celebration, the 2004 debate is scheduled for April 15.

The 2003 annual **Ontario History & Social Science Teachers' Association (OHASSTA)** conference took place in Toronto on November 7 & 8. OJEN hosted a display that included the Ontario Bar Association and Law Day, Community Legal Education Ontario, the Canadian Civil Liberties Education Trust, and the Ombudsman of Ontario. It was enthusiastically received.

The **Superior Court Judges' Fall Conference** took place in November, and featured a lunchtime roundtable discussion on public legal education.

Taivi Lobu addressed the **County & District Law Presidents' Association's** plenary session in November on public legal education initiatives.

The **Law Foundation of Ontario** held a dinner in honour of past Chair **Ron Manes** on November 2003. During his tenure, the Law Foundation initiated funding for a number of important programs including Pro Bono Law Ontario, Pro Bono Students Canada, the Law Society Access to Justice Conference, as well as OJEN. We welcome **Larry Banack** as the new Foundation Chair.

Chief Justice Roy McMurtry, **Justice Eileen Gillese** and **Justice James MacPherson**, have been named The Globe and Mail's Nation Builders of the year. In 2003 this Court of Appeal panel applied the Canadian Charter of Rights and Freedoms in the *Halpern* case, extending the common-law definition of marriage to same sex couples.

New Resources Links

Here you have them: OJEN's pick of two exciting new websites providing interesting justice system information in innovative ways – we recommend you visit them yourselves; both of them feature great virtual court tours!

Courtprep.ca

<http://www.courtprep.ca>

Want to view an amazing virtual tour of a provincial courtroom, complete with an animated judge, counsel, witnesses and other key court staff? Visit [courtprep.ca](http://www.courtprep.ca)!

This brand new site gives you a fly-on-the-wall perspective, audio/visual facts about different court roles, and information sheets on everything from plea bargains to appeals. Also features wonderful page headers that change with the seasons, and the time of day you log on!

Launched on October 28, 2003, this interactive site delivers engaging information about court processes to youths preparing for court. Developed in collaboration by the Youth Website Team, The Scarborough Hospital Sexual Assault Care Centre and the Toronto Child Abuse Centre.

This site's attention to detail and interactive graphics will amaze you. Highly recommended!

Courtrooms & Classrooms Nova Scotia

<http://www.courts.ns.ca/courtsandclassrooms.htm>

Curious about Nova Scotia's new Courtrooms & Classrooms program? Check out the webpages on the Nova Scotia Courts website.

Justice Wise will happily guide you through a virtual court tour of court processes, from arrests to juries, trials to sentencing. Each section features a good audio/video display, and great fact sheets. The tour is complete with a full teachers' guide for downloading, "Understanding the Criminal Justice System"; that allows teachers to upgrade the tour to a complete lesson.

You can also test your skills with the "Legalwise Quiz", and even link to the Department of Justice's own "The Pursuit of Justice Quiz". Don't miss the virtual scavenger hunt through the Nova Scotia Courts, or the on-point teachers' resources.

A highly recommended and innovative site!



OJEN | ROEJ

ONTARIO JUSTICE EDUCATION NETWORK
RÉSEAU ONTARIEN D'ÉDUCATION JURIDIQUE

OJEN is a collaborative forum allowing leading institutions and individuals from the 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.

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 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 Sarah Pole, Communications & Program Manager at spole@lsuc.on.ca

Update est aussi disponible en français.

Board Members

The Board of the Ontario Justice Education Network reflects links to major areas of current organizational activity and public legal education providers. Current members are:

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*

Mark Leach, *Trustee, Law Foundation of Ontario*

Allan Hux, *The Ontario History & Social Science Teachers' Association*

Julie Mathews, *Executive Director, Community Legal Education Ontario*

Mary Marrone, *Policy Counsel, Legal Aid Ontario*

The Hon. Marion Boyd, *Law Society of Upper Canada*

Angelo Bolotta, *Member-at-large*

Mariette Carrier-Fraser, *Member-at-large*

The Network Participants

The Network is a collaborative forum that serves as a communications link for justice system participants, educators, community representatives, and others with an interest in public legal education 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 Lennox*

The Minister of Justice and Attorney General of Canada – *as represented by Barbara Stewart and Karen Bron*

The Deputy Attorney General of Ontario – *Mark Freiman*

The Deputy Minister of Education – *Suzanne Herbert*

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 – *David Sherman*

The President of the Ontario Bar Association – *Jonathan Speigel*

The Ombudsman of Ontario – *Clare Lewis*

The Chair of Legal Aid Ontario – *The Hon. Sidney Linden*

The President of the Ontario History & Social Science Teachers' Association – *Jack MacFadden*

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 Neil McGrath*

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

Executive Director: Taivi Lobu