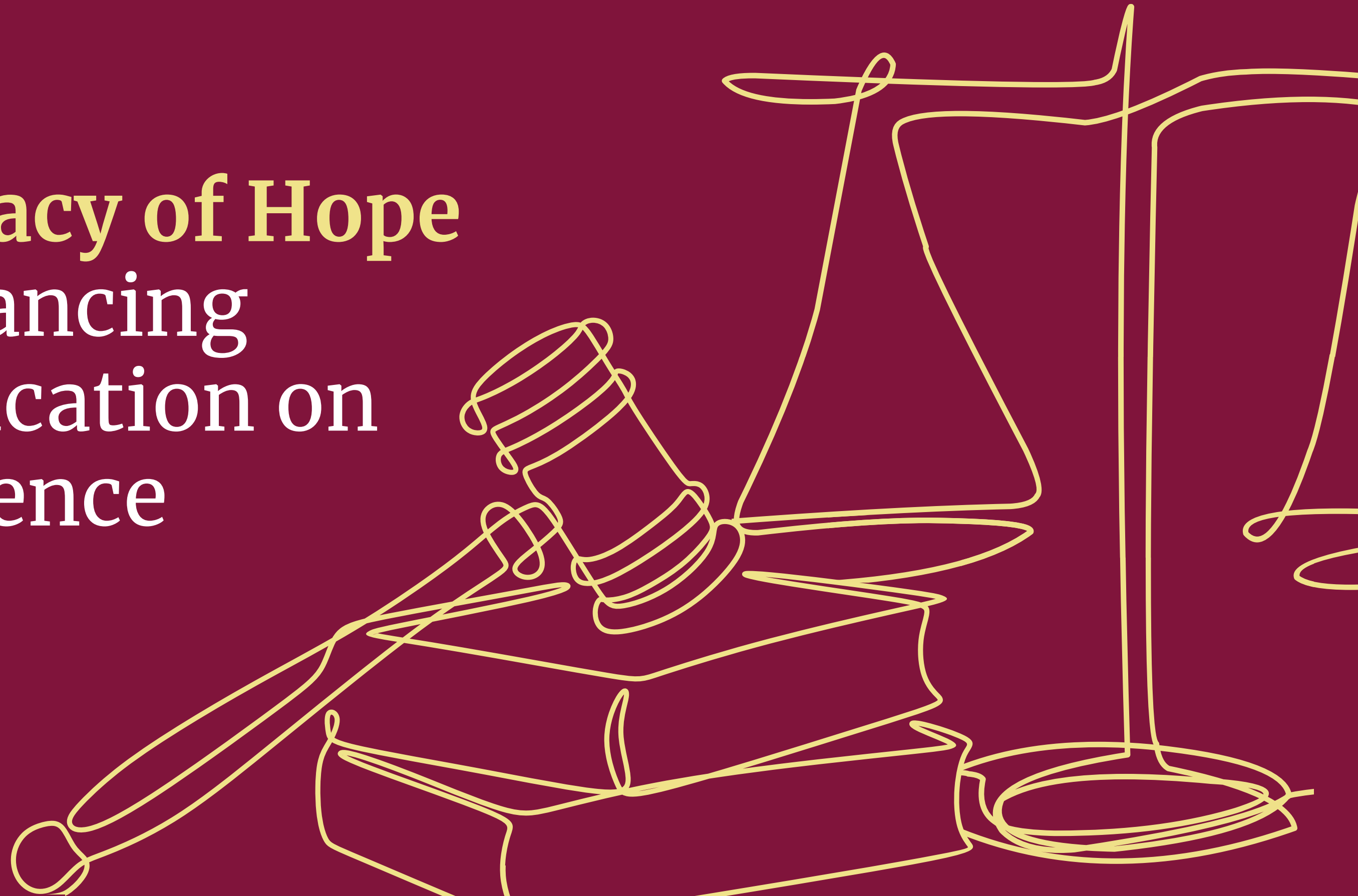


FAMILY VIOLENCE FAMILY LAW  
*SPECIAL EVENT*

**Keira's Legacy of Hope**  
**Part 2: Enhancing**  
Judicial Education on  
Family Violence



# Family Violence, Family Law (FVFL)

This project is funded by the Public Health Agency and Canada and is run in partnership with the Alliance of Canadian Research Centres on Gender-Based Violence.

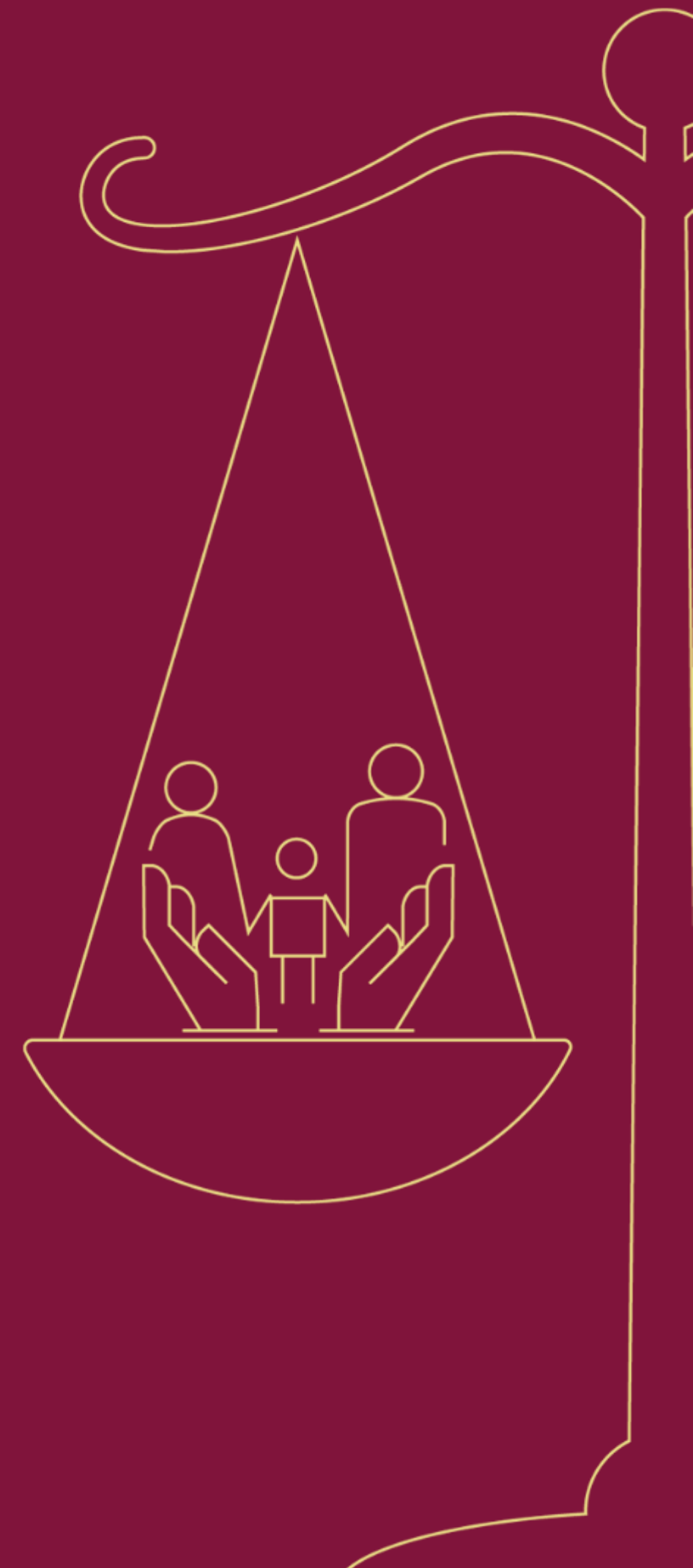
It aims to:

- Enhance training opportunities for GBV specialists and Family law specialists to support trauma-informed practice.
- Establish Communities of Practice and Identify strategies for improved communication and awareness across sectors to support family violence survivors as they engage with the family law sector.



# FVFL Resources

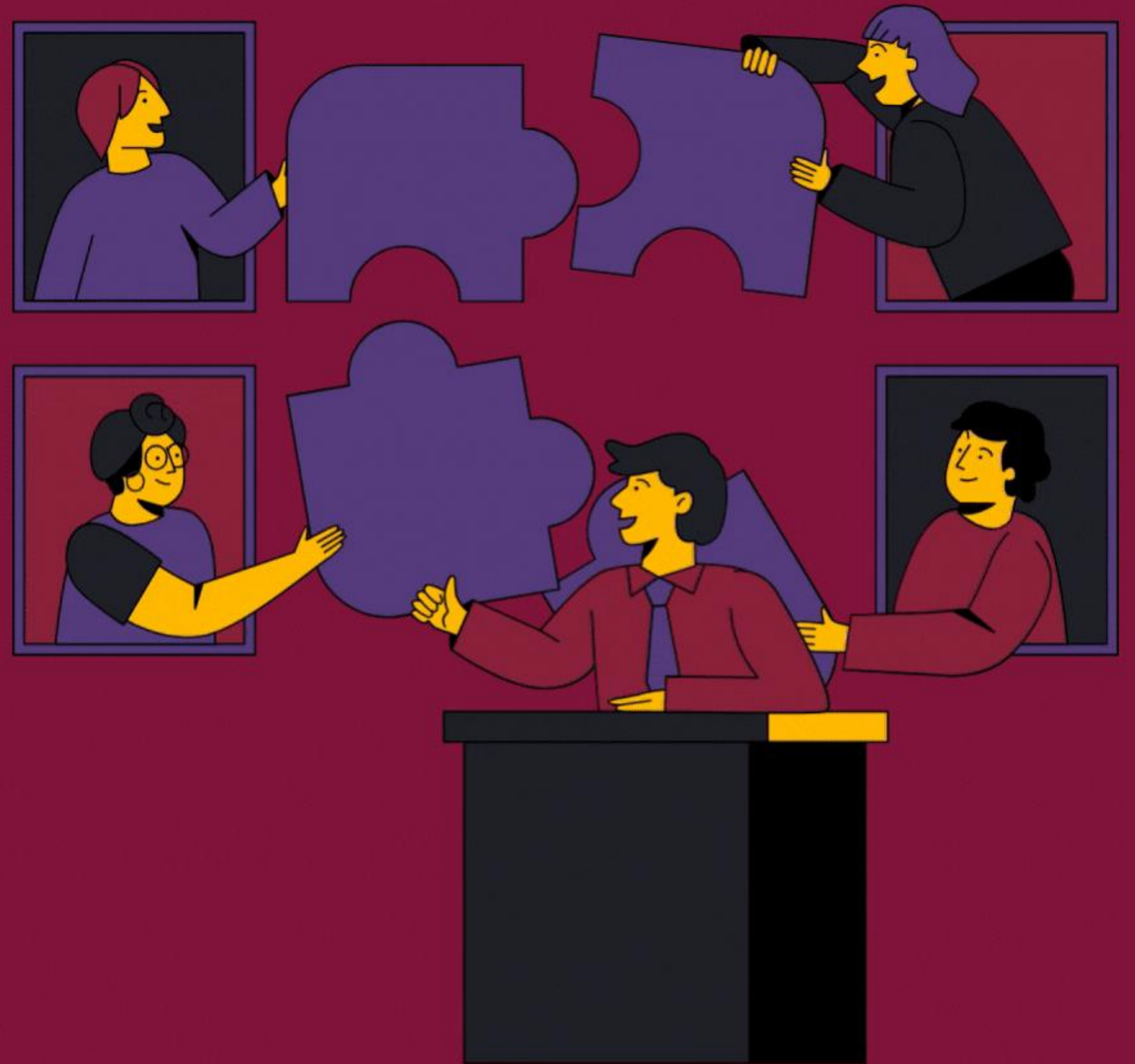
- **Briefs** are documents that address issues related to family violence and family law. Topics include treating children as full rights bearers, access to justice, trauma informed approaches to family violence in family law, and more.
- **Legal Bulletins** are written summaries of recent court decisions related to family law proceedings. Court decisions covered include Harley v. Harley, Dayboll v. Binag, and LS v. BS.
- **Webinars** provide learning opportunities to build capacity of practitioners in the field of violence prevention and family law. They are offered live, and recordings are posted on our website.



# Enhancing Judicial Skills in Domestic Violence Cases

**Judge Ramona A. Gonzalez**

Immediate Past President, National Council of  
Juvenile and Family Court Judges,  
State of Wisconsin Circuit Judge, La Crosse WI



# Importance of Judicial Education

- Domestic violence cases now represent a substantial and increasing proportion of all cases processed by criminal and civil state courts.
- Cases involving domestic violence require specialised knowledge.
- An understanding of the diverse presentations of domestic violence victims and perpetrators and an awareness of the community resources available promote a more informed and thoughtful judicial response to the problem.

*“The abuse did not stop with separation, and it only got worse. Keira was used as a tool to get claws into me. When I brought forward the evidence about abuse of Mr. Brown, we had a judge, for example, who said that domestic violence is not relevant to parenting and, 'I'm going to ignore it.'” – Jennifer Kagan*

# Best Practices in Judicial Education

Research suggests that judicial training should:

- Develop judges' internal character and integrity, along with their decision-making, critical thinking, and interpersonal skills.
- Utilize programming with active or experiential learning techniques.
- Acknowledge the nature and criteria of judicial appointment and the doctrinal constraints of judicial independence.
- Recognize that judges are extremely motivated to further their competence for its own sake as opposed to being motivated for a material or promotional enhancement.



# Enhancing Judicial Skills (EJS) in Domestic Violence Cases Program

EJS was developed in 1999 by the National Council of Juvenile and Family Court Judges together with Futures Without Violence. It is an opportunity for judges to learn from each other and leading experts in the field about the challenging dynamics in domestic violence cases and how to deal effectively with survivors, perpetrators, and children in the context of legal proceedings.

EJS is a 4-day national program delivered 3 or 4 times a year in different locations across the US. It has also been adapted for statewide training in over 30 states.

It is funded through the Violence Against Women Act (VAWA) technical assistance grants program (TA Program).

There is no mandate in VAWA for judges to attend EJS. Judge participants attend using discretionary VAWA grant money, state/local funding and scholarships from the National Council of Juvenile and Family Court Judges, or sometimes their own personal funding.

# Program Segments



## Practical Courtroom Exercises

Case scenarios are presented through role plays by faculty and participants acting the parts of litigants and their counsel together with supporting documentation.



## Victim and Perpetrator Behaviour

Judges evaluate the impact of domestic violence on adult victims and children who are exposed to violence as well as identifying the safety and restoration requirements of domestic violence victims.



## Fact Finding

Judges discuss how best to apply an understanding of domestic violence to judicial fact-finding and identify and resolve evidentiary issues of primary concern to judges.



## Access to Justice

Judges reflect on the impact of their role as a judge on court system players by exploring, defining, and refining their role with the goal of advancing access to justice.



## Fairness and Cultural Issues

Judges identify ways in which culture is relevant in the courtroom and recognise individual and structural explicit and implicit biases that may impact on the administration of justice.



## Decision-Making

Judges integrate the information shared in all the prior segments to inform safe and effective decisions in civil and criminal cases.



An additional session discusses vicarious trauma (or compassion fatigue) in judges as well as stress and burnout from the challenges of dealing with domestic violence. This session was developed in response to judges' requests about having an opportunity to have a safe and respectful environment to address the emotional toll of their work.



# Evaluation of the EJS Program (2006–2010)

**480**

judges attended the EJS program.

**Before: 7%**

of judges rated themselves as having a deep understanding of domestic violence. The majority of judges (63%) indicated they were in the middle stage and 30% were in the early stages of knowledge.

**After: 42%**

of judges rated themselves as having a deep understanding of domestic violence. 46% indicated they were in the middle stage and 12% were in the early stages of knowledge.

# Evaluation of EJS (2006-2010)

Judges self-reported the EJS program as helping them to:



- Differentiate how persons might use violence in different contexts.
- Identify cultural considerations and take culture into account when structuring appropriate sentences or civil remedies.
- Make and enforce decisions that help victims to evaluate and minimize danger from an abuser and to secure resources to promote the safety and stability of non-abusive family members
- Examine personal implicit biases and avoid, to the extent possible, inappropriate actions or inactions based on these preferences.

# Reference

Peter G Jaffe, Claire V Crooks, Maureen Reid, Jennifer White, Danielle Pugh-Markie & Linda Baker. (2018). Enhancing judicial skills in domestic violence cases: the development, implementation, and preliminary evaluation of a model US program. *Journal of Social Welfare and Family Law* 40 (4): 496–514.

<https://doi.org/10.1080/09649069.2018.1519655>



Superior Court of Justice



**OPENING OF COURTS REMARKS  
THE HONOURABLE GEOFFREY B. MORAWETZ,  
CHIEF JUSTICE OF THE ONTARIO SUPERIOR COURT OF JUSTICE**

Another concern for the Court and our communities is family violence. This is reflected in the volume of cases involving family violence in our Court. We continue to provide numerous educational programs and materials for our Court's judges on intimate partner violence. These have included, among other topics, training on coercive control in intimate partner and family relationships, assessment of risk factors, and the impacts of family violence on children. These important and vital programs will always be prioritized by the Court.

For the full remarks:

<https://www.ontariocourts.ca/scj/news/speeches/oc/>



Cour supérieure de justice



**ALLOCUTION À L'OCCASION DE L'OUVERTURE DES TRIBUNAUX  
L'HONORABLE GEOFFREY B. MORAWETZ,  
JUGE EN CHEF DE LA COUR SUPÉRIEURE DE JUSTICE**

La violence familiale représente une source de préoccupation profonde pour la Cour et les collectivités, face au nombre de causes mettant en jeu de la violence familiale que nous voyons à la Cour. Nous continuons d'offrir aux juges de la Cour de nombreux programmes éducatifs et du matériel d'information sur la violence par un partenaire intime. Nous avons notamment eu une formation sur le contrôle coercitif dans des relations conjugales et familiales, l'évaluation des facteurs de risque et les répercussions de la violence familiale sur les enfants. Ces programmes vitaux seront toujours une priorité pour la Cour.

Pour l'intégralité des remarques :

[https://www.ontariocourts.ca/scj/fr/nouvelles/discours/ot/#Procdures\\_de\\_droit\\_de\\_la\\_famille](https://www.ontariocourts.ca/scj/fr/nouvelles/discours/ot/#Procdures_de_droit_de_la_famille)

# Ontario Family Court Sites | Cours de la famille – Emplacement

1. Barrie
2. Belleville
3. Bracebridge
4. Brockville
5. Cayuga
6. Cobourg
7. Cornwall
8. Hamilton
9. Kingston
10. Kitchener
11. Lindsay
12. London
13. L'Orignal
14. Napanee
15. Newmarket
16. Oshawa
17. Ottawa
18. Peterborough
19. Pembroke
20. Perth
21. Picton
22. St. Catharines
23. St. Thomas
24. Simcoe
25. Welland

<https://www.ontariocourts.ca/scj/family/>



NATIONAL JUDICIAL INSTITUTE  
INSTITUT NATIONAL DE LA MAGISTRATURE

The National Judicial Institute welcomes public input about issues of relevance to judicial education.

To learn more and complete a short questionnaire, click on the link below:  
<https://www.research.net/r/Z2ZQC2Y?lang=en>

L'Institut national de la magistrature sollicite l'avis du public sur des questions relatives à la formation de la magistrature.

Pour en savoir plus et remplir un court questionnaire à ce sujet, cliquez sur le lien ci-dessous :  
<https://www.research.net/r/Z2ZQC2Y?lang=fr>