CJEI REPORT

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2024 Commonwealth Law Ministers Meeting

The CJEI President, The Honourable Chief Judge Kashim Zannah, attended the 2024 Commonwealth Law Ministers Meeting (CLMM) held from March 4 – 8, 2024 in Zanzibar, United Republic of Tanzania. The theme of the meeting was “Technology and Innovation: How Digitalization Paves the Way for the Development of People-Centered Access to Justice”.

The purpose of CLMM is to advance Commonwealth consensus and cooperation and to enable Law Ministers to set clear directions on a range of legal, rule of law and justice issues of mutual interest.

CJEI’s activity report was tabled at the meeting and Chief Judge Zannah was present to address any questions raised by the Law Ministers regarding our report.

CJEI President with the Honourable Arif Virani, Minister of Justice and Attorney General of Canada

Annual Intensive Study Programme for Judicial Educators (ISP)

The 29th ISP was held from June 2 – 21, 2024. The programme was directed by The Honourable Mr. Justice Peter Jamadar, CJEI Vice President (Programming) and Co-Directed by The Honourable Brian Lennox, Former Director of the National Judicial Institute of Canada with administrative aid led by Sandra Hutchings, CJEI Administrator, and supported by CJEI Student Assistants, Shana Jardine and James Macdonald.

It was attended by 16 participants: The Honourable Mr. Justice Christopher Birch, High Court, Barbados; Ms. Basetsana Keakantse, Regional Magistrate, Botswana; Ms. Bonolo Patricia Kemorwale, Senior Assistant Registrar and Master, High Court, Botswana; The Honourable Justice Fidela Corbin Lincoln, High Court of the Supreme Court, Guyana; The Honourable Justice Nicola Pierre, Commissioner of Title & Land Court Judge, Guyana; The Honourable Ms. Justice Andrea Pettigrew Collins, Supreme Court, Jamaica; The Honourable Miss Justice Carole Barnaby, Supreme Court, Jamaica; Her Honour Mrs. Natiesha Fairclough Hylton, Senior Judge of the Parish Court, Jamaica; Her Honour Ms. Michele A. Salmon, Senior Judge of the Parish Court, Jamaica; The Honourable Justice Phoebe Msuean Ayua, Federal High Court, Nigeria; The Honourable Justice Aishatu Mohammed Ali, High Court of Justice, Borno State, Nigeria; The Honourable Justice Salisu Garba Abdullahi, Administrator, National Judicial Institute, Nigeria; The Honourable Justice Teresa Anne Berrigan, National and Supreme Courts, Papua New Guinea; The Honourable Justice Vergil Los Narokobi, National and Supreme Courts, Papua New Guinea; The Honourable Judge Justin Yeo, Executive Director, Singapore Judicial College, Singapore; and Master Sydelle Johnson, High Court, Trinidad and Tobago.

Participants spent the first two weeks completing the study component of the programme at the Schulich School of Law, Dalhousie University in Halifax. A wide range of programme topics included: providing instruction for adults - understanding adult learners learning and teaching styles, learning outcomes and active learning forms and benefits; review of the definition, objectives, standards, functions, targets and levels of judicial education; curricula development including need assessment and evaluation; process delay; the use of great literature, popular films and art in judicial education programming; understanding the needs of self-represented litigants in court; fostering and maintaining public trust and confidence in the judiciary through the practice of procedural fairness; human trafficking and judicial education; challenges of judicial education; judgment writing; long range judicial education planning; psychological well-being; artificial intelligence; judicial role – a public service; animal rights; restorative justice; exploring judicial arrogance, judicial humility and judicial mindfulness; and training tools for judicial ethics including use of social media.

The final week of the programme was spent in Ottawa and Toronto. In Ottawa, the participants visited the Supreme Court of Canada; the Superior Court of Justice; the Office of the Commissioner for Federal Judicial Affairs and the National Judicial Institute. They also had the opportunity to visit Parliament and sit in the Gallery during the "Question Period" at the House of Commons. While in Toronto, participants visited the Ontario Court of Justice's newly built fully accessible state-of-the-art Courthouse and the Ontario Court of Appeal at Osgoode Hall and attended the courts in session.

In addition to the rigorous academic sessions, social events included a Halifax City Bus Tour, a tour of Province House and reception hosted by The Honourable Barbara Adams, Minister of Justice and Attorney General; a reception hosted by His Honour The Honourable Arthur J. LeBlanc, ONS, QC, Lieutenant Governor of Nova Scotia at Government House; buffet dinner and boat rides at the home of Dr. Joseph Sadek; reception and dinner at the Officers' Mess of Royal Artillery Park and sightseeing trips to Peggy's Cove, NS and Niagara Falls, ON.

Overall, the 29th ISP was highly successful based on the positive evaluations and feedback received. Many participants commented on the expertise of the facilitators, expressing a desire to delve further into many of the topics covered. Participants praised the informative and diverse content of the course and felt that their attendance at the Intensive Study Programme would directly improve their ability to face the challenges of judicial education / judicial reform in their home jurisdiction.

ISP Participants with The Honourable Barbara Adams, Minister of Justice and Attorney General of Nova Scotia

The Development of Judicial Education in the Hong Kong Special Administrative Region

Introduction

Judicial training in the Hong Kong Special Administrative Region ("HKSAR") has developed in a manner similar to other common law jurisdictions – from *ad hoc*, passive learning methods to a more structured, active model of learning. As with other jurisdictions, the key challenge in judicial training in HKSAR is the limited time available for formal judicial education, which is never enough.

In designing judicial training activities, the Hong Kong Judicial Institute ("HKJI") adheres to the International Organisation for Judicial Training's 'Declaration of Judicial Training Principles', principles for adult learning, and principles for continuing professional development, as well as being mindful of the growing acknowledgment that judicial education is a unique form of adult and professional learning. The issue for this article is what lessons HKJI has learnt in implementing these principles given the challenge of the limited time available. These observations are set out below, and hopefully prove to be of interest for other jurisdictions.

The Judiciary of the HKSAR

The HKSAR was established in 1997. Whilst no longer part of the Commonwealth, Hong Kong has continued its common law legal system under the 'One Country, Two Systems' principle. The courts in Hong Kong comprise principally the Court of Final Appeal, (1) the High Court (which includes the Court of Appeal (2) and the Court of First Instance (3)), the District Court (4) (which includes the Family Court), the magistrates' courts (5) (which includes the Juvenile Court), and a number of Tribunals (Competition, Lands, Small Claims (6) and Labour to name four).

Like most other common law jurisdictions, judges and judicial officers in Hong Kong ("JJOs") do not join the Bench at the start of their legal careers. They are all professional lawyers, and have been trained and practised (some for years) as such. While they have requisite experience and legal expertise, their prior exposures differ, and are not judging-specific. Continuous updating of legal knowledge has also to be systematized.

(1) Which replaced the Judicial Committee of the Privy Council as Hong Kong's apex court in 1997.
(2) Which hears appeals principally from the Court of First Instance and District Court, and also certain Tribunals and Statutory Bodies.
(3) With unlimited jurisdiction in both civil and criminal matters.
(4) Civil jurisdiction between HK$75,000 and HK$3 million, and criminal jurisdiction up to 7 years' imprisonment. The Family Court has unlimited jurisdiction on family and matrimonial matters.
(5) Dealing predominantly with criminal matters, with sentencing jurisdiction up to 2 but in specified circumstances 3 years' imprisonment.
(6) With civil jurisdiction up to HK$75,000.

All these needs bring into focus organised judicial training, which given the limited time available, raises the question of which needs should be met through formal judicial training sessions, and which may be met by passive or blended means of learning.

Judicial training activities in Hong Kong – a brief overview

Previously, judicial training in Hong Kong was organised by the Judicial Studies Board, modelled on its English counterpart. After a review, it was replaced in 2013 by HKJI. It is led by the Executive Director, who reports to an Executive Committee and Governing Body, both made up of senior judges who are responsible respectively for identification of training needs and strategies, and consideration of training policies.

Judicial education activities are organised for JJOs from all levels of courts, with greater intensity and emphasis at the magistrates' and District Court levels where the majority of JJOs sit, and the largest volume and variety of cases are managed and processed. By contrast, the facilitators who lead judicial training activities are primarily drawn from the High Court. Given the limited number of JJOs and courts in Hong Kong, shutting down any number of courts for extended courses is not possible. Training events are thus developed for specific knowledge, topics and skills on a highly targeted and intensive basis.

The programme of training at magistrates' level primarily consists of an induction course for new recruits, a follow-up focusing on judicial ethics, contempt and constitutional law, regular sentencing workshops, Chinese judgment writing, court management role play workshops, and an intervision follow-up to the role play. They are relatively involved training sessions, which last from half a day to one and a half days (for the first part of the induction course). The programme is completed over a cycle of approximately three years (though this was disrupted by the pandemic). Also arranged *ad hoc* during the cycle are shorter seminars on specific topics (some with involvement of external experts), such as delivery of *ex tempore* judgments, industrial occupational safety and health issues, sentencing for offences against protection of endangered species, and visits to different institutions such as the Government Laboratory or the Mortuary. Where possible, *ad hoc* sessions may be filmed and uploaded onto the Hong Kong Judiciary's online internal Portal for future and other JJOs' reference.

At District Court level, training events are organised on a less intensive basis. They serve two main purposes: to introduce JJOs moving up from the magistrates' level to the work of the District Court, such as a half-day Introduction to the Family Court programme; and regular sharing sessions to keep District Judges up to date with specific topics, most recently on the development of a new dispute resolution approach – case settlement conferences. New sessions discussing case management by way of case studies for Masters at all levels of court have also been introduced. Given the heavy workload at the District Court, HKJI's strategy is more geared towards creating resource materials for self-directed learning.

With the continuing growth and development of electronic court services in Hong Kong, HKJI also assists with organising training on the topic at all court levels. They include training for the new Integrated Case Management System at magistrates' and District Court level, and bespoke training for electronic hearings and use of the Technology Courts at all levels.

Lessons learned

From the experience of organising the above activities, implementing the IOJT and andragogical principles, and receiving feedback from JJOs, HKJI has gained a number of insights.

The importance of the discipline of setting learning objectives and carrying out evaluations

As in other jurisdictions, judicial education activities in Hong Kong are judge-led, with HKJI assisting with the design of training activities and development of material. For judge facilitators who are used to passive learning or more didactic methods of education, doubts have been raised as to whether it is necessary for learning objectives to be set and evaluations carried out. One facilitator dismissed learning objectives as 'childish' and evaluations as 'unnecessary', but having reviewed our analysis of the feedback received, facilitators quickly change their minds about learning objectives and evaluations. As adult learners must want to learn what is being taught, and will only learn what they feel they need to learn, setting clear learning objectives is important to inform participating JJOs of the purposes of each training activity. Creating learning objectives not only helps keep the activity focused, ensuring time is effectively used, but also engages JJOs as equals in the process. For evaluations to be useful, specific elements of the event should be targeted by evaluation questions. Responses should then be carefully analysed, both to identify the reasons behind and avoid repetition of the negatives, and to reinforce the positives. It is particularly important not to repeat negatively received elements. Adult learners' learning is affected by their past experiences. Repeating negative elements aggravates reception further, which may lead ultimately to erosion of trust in HKJI itself.

The importance of establishing a broader context

Judges' approach to their learning is problem-oriented and, more importantly, short-term. Participating JJOs' experience and stage of career also differ. Conceptualization of a "curriculum" has proven difficult. Despite this, the idea of an overarching curriculum is important for participants to contextualise where they are in terms of their professional development, what they had learnt, and what information they might have missed from past training events. The creation of a wider structure is not easy, but adding context is critical for learners' understanding of what they need to learn and the longer term training direction. It also builds trust in the learning process. If HKJI could add to the principles of andragogy, one principle would be on the importance of building and maintaining the trust of adult learners.

The importance of innovation and being open to what is effective

Judicial training is still very much in development. Given the highly specialised nature of judicial education, effective practices will likely differ from jurisdiction to jurisdiction. Building on positives is as important as not repeating negatives. One example that HKJI has built into standard practice is the use of booklets to present reference material. In one training event early on, HKJI printed the training material in the form of a booklet rather than just a handout stapled in one corner. That received an overwhelmingly positive response. It may have been the strong sense the booklet gave that it was a self-contained and complete unit of material that was easy to keep and refer to. A standard practice has since evolved therefrom - the creation of takeaways presented in booklet form. Details such as these help adult learners feel that their needs are being met, which is critical for engendering trust and encouraging participation. Other innovations that HKJI has adopted include the use of short video series for new or niche topics, and the development of Kirkpatrick Level 3 evaluation into intervision sessions for JJOs to review videos of their prior role-plays. These innovations enhance effective use of time, which is key to their (and other innovations') success.

The importance of specificity, especially at foundational level

Despite a shift towards active learning, problem-solving and group discussion, passive learning methods such as lectures and directed reading remain an important part of judicial education in Hong Kong. They remain unavoidable for certain topics and areas. Good examples include highly specialised technical knowledge on occupational safety and endangered species of flora and fauna, or foundational knowledge on induction topics and formal Chinese writing principles. There is in fact nothing inherently negative about passive learning methods. Realistically, there is neither the time nor the capacity to develop every topic into an active learning exercise. However, to ensure that passive learning methods are effective, it is important to keep the scope of what is being learnt narrow and specific to the participants' needs. This reflects the andragogical principle that adults must want to learn what is being taught, but will only learn what they feel they need to know. Engaging participants with material that is outside the scope of what they feel they need is likely to lead to disinterest. By contrast, knowledge or information that is immediately useful is much more likely to trigger reflection and deeper learning in a blended approach as JJOs seek to apply it to what they do (like they apply research results to issues in cases currently before them). Here, clear learning objectives and the discipline not to overreach those objectives are critical, and the blended approach of passive learning materials for active learning is again important for maximising the time available.

The importance of fostering collegiality and preparing facilitators for discussion purposes

One observation which surprised us was how significant the impact of the composition of a group is to the quality of the discussion. Whilst we have not been able to specifically identify the "sure-work" combination of personality types, we found that where JJOs are willing to push themselves and their groups during discussion, the quality of learning improves markedly. The willingness of facilitators to push discussion instead of just telling participants what they think is also critical.

Facilitators should hence be assisted by preparing discussion material for them. HKJI will engage with facilitators to seek their ideas and feedback on the planned activities, and prepare detailed notes for them well ahead of time. Not only should issues be identified therein, prompt questions for the purpose of enhancing discussion may also be included. In addition to composition, the collegiality amongst group members is also an important contributor to the quality of the discussion. This is relatively obvious given the andragogical principle that adults learn by active participation. The issue is how collegiality can be established quickly at the start of an event, when time is limited and JJOs unfamiliar with one another are likely to begin exchanges in a guarded manner. This is particularly necessary during induction sessions. JJOs who have attended more than one training event tend to come into events relaxed, ready to work and discuss. For new JJOs, HKJI uses a number of different strategies to quickly create a collegiate atmosphere. An informal setting and a light atmosphere helps. HKJI has also helped organise meals together for participants and facilitators, as well as providing snacks during breaks so that participants have a reason to gather and mingle. One consistent key to icebreaking and collegiality is humour, whether incorporated into ice-breaking games or early exchanges, which helps establish the participants as equals in the training process.

The importance of showing, not telling

Whether demonstrating new approaches or setting out discussion scenarios, HKJI has now moved on from merely writing out scenarios to developing involved roleplays. Actors are hired and videos shot. Mock case files that mimic real court documents are also created. Such an approach is resource-intensive, but immersive, and enables JJOs to get into discussion more quickly and in a deeper and more involved way. This allows them to immerse themselves in what may not necessarily be very realistic facts, enabling JJOs to pick up specific elements and to draw out issues they wish to discuss or present for discussion, when for example similar incidents have come before them in court.

The importance of making things difficult

There is always a degree of artificiality to the development of problem questions and scenarios for judicial education. However, in HKJI's experience, both facilitators and participants alike seem to prefer more complex scenarios and nuanced issues, as these lead to richer discussion, rather than simpler but perhaps more realistic facts and points of law. In particular, whilst in theory it may be helpful to separate judicial knowledge into different levels of substantive law, procedure and attitudes, in practice, JJOs must deal with all of these matters together. It thus helps to challenge facilitators and participants and get them into deeper discussion by presenting them with multiple layers of material to unpack, thereby making learning more active. Although the andragogical principle has it that adult learning should focus on realistic problems, in this context, realism can be sacrificed so as to get JJOs immersed in the short training time available, as they appear to enjoy training more when being challenged with less mundane issues. JJOs also appreciate the effort that goes into making things challenging, and when they miss issues, they tend to reflect more deeply.

The importance of time management

Efficient time management before an event to allow good preparation is clearly important. However, equally significant is time management during an event. Finishing on time is also important to how the participating JJOs will feel about training. Part of treating them as equals in the process includes respecting their time, as well as the appreciation that most JJOs are highly organised individuals whose time is quite carefully accounted for. Running over time on more than one occasion may lead to participants becoming dissatisfied and being less engaged in future.

The importance of take-away material (especially for passive learning)

Interestingly, it is also important to ensure that JJOs come away from training activities with take away material. For HKJI, this usually takes the form of a booklet, as mentioned above. Over time, we noticed that overall satisfaction was greater and participants left training events happier if they left with something in hand. Whilst adults may only learn what they feel they need to know, JJOs in particular may require further opportunities to digest what was covered in training, in a blended form of learning. They may thus derive a greater sense of comfort and trust in a training event when they are able to take away the material and reflect on it for themselves as and when they need to in future. This not only ties in to how JJOs work in reality, that they are always presented with material such as written submissions, reports or evidence that they will take away and reflect upon, it also ensures that even if they miss something during the training event, they can find it in the take away material. This sense of trust or comfort is also critical to judicial education, and arguably to adult learning – that they will come away from training events with what they need, even if it is just in their hands rather than fully in their heads.

The use of technology and catering to different forms of learning

Although technology training and the use of video recordings have increased, training by online platforms (such as Zoom) that had been attempted was not as well received as in-person training. Nonetheless, technology has now been heavily incorporated into the process – for example, the scenario material or case studies will usually be circulated to participants ahead of time by way of soft copy. Each JJO is provided with their own work iPad for access of training material. HKJI is also responsible for the updating of Judges' Manuals alongside teams of contributing JJOs, bespoke topics of research, and the publication of a regular Bulletin, which serves an important function of keeping JJOs up-to-date year round, another important aspect of judicial education in Hong Kong. In order to ensure easier access, search and cross-referencing, and to enhance reflective and self-directed learning, the next critical development for HKJI will be the compilation of all of these reference materials onto a single site as a wiki. This will form the foundation for future training activities as well as serving as a repository of judicial knowledge for future generations of JJOs.

Conclusion

Maximising training time is a problem that is common to all judicial trainers. It is hoped that the above material may be of interest to other jurisdictions, and HKJI looks forward to any feedback and insight from other jurisdictions in their judicial training practices in future!

Antonio Da Roza
Executive Director
Hong Kong Judicial Institute
(CJEI Fellow 2019)

Hong Kong Case Summaries

The courts of Hong Kong have recently dealt with a number of appeal cases in which the issue was whether an exclusive jurisdiction clause or an arbitration clause will form the basis for a court declining jurisdiction to hear a bankruptcy or winding up petition against a party whose indebtedness arises out of a dispute subject to such a clause.

Court of Final Appeal

Re: Guy Kwok-Hung Lam [2023] HKCFA 9

Cheung CJ, Ribeiro, Fok, Lam PJJ, French NPJ

4 May 2023

Bankruptcy – disputed debt – exclusive jurisdiction clause

This appeal concerned the power of the Court of First Instance to decline jurisdiction to hear a bankruptcy petition where the disputed petition debt is subject to an exclusive jurisdiction clause.

Held:

- Absent an exclusive jurisdiction clause or an arbitration provision, a petitioner will ordinarily be entitled to a bankruptcy order if the petition debt is not subject to a *bona fide* dispute on substantial grounds. This was not in dispute.
- Whether the court is satisfied with the proof of the petitioning creditor's debt is an exercise of the court's bankruptcy jurisdiction, as is the determination of whether there is a *bona fide* dispute about the debt on substantial grounds.
- The determination of whether the debt is *bona fide* disputed on substantial grounds is a threshold question: if the debt is disputed, then the engagement of the bankruptcy process is on hold. This threshold character of a dispute about the indebtedness leaves room for the exercise of the court's discretion to decline jurisdiction to determine the question. A circumstance enlivening that discretion is the fact that the parties agreed to have their disputes under the agreement to be determined exclusively in another forum.
- The significance of the public policy of the legislative scheme for bankruptcy jurisdiction is much diminished where the petition is brought by one creditor and there is no evidence of a creditor community at risk.
- In the ordinary case of an exclusive jurisdiction clause, in the absence of countervailing factors such as the risk of the insolvency affecting third parties or a dispute bordering on frivolous or an abuse of process, the exclusive jurisdiction clause will be upheld between the petitioner and the debtor.

Hong Kong Case Summaries

Court of Appeal

Re: Shandong Chenming Paper Holdings Limited [2024] 2 HKLRD 1040, [2024] HKCA 352

Kwan VP, Barma, G Lam JJA
23 April 2024

Winding-up – cross-claim – arbitration clause – abuse of process

This was an appeal by the petitioner against the decision of the Companies Court for staying the petition for the winding up of the company, pending determination of a cross-claim raised by the company in respect of an arbitration agreement between the parties. The arbitration was brought by the company against the petitioner for damages alleged to exceed the remainder of the petition debt. The ratio of *Re Lam Kwok Hung Guy, ex p Tor Asia Credit Master Fund LP (2023) 26 HKCFAR 119 ("Guy Lam")* did not deal with the treatment of cross-claims, and thus the issue in this appeal was whether the approach in *Guy Lam* should be applied in this case.

Held:

- Where the court finds that there is a *bona fide* dispute of the debt on substantial grounds, the petition is usually dismissed – *Guy Lam* . Where the company opposes the petition with a cross-claim, such a cross-claim strictly speaking does not affect the petitioner's standing in relation to petition as a creditor because the petition debt exists independently from the cross-claim. Nevertheless, it has been the settled approach of the courts to treat such cross-claims in the same way as disputes of the petition debt. (See *In re Bayoil SA* [1999] 1 WLR 147 ("*Bayoil SA*").)
- Whilst *Guy Lam* was concerned with a dispute over the petition debt (rather than a cross-claim), it would be too narrow a reading of Guy Lam to confine its rationale to the question of locus to petition and to say that it was wholly irrelevant once it is accepted the petitioner has *locus* because he has a debt which is not subject to set-off. As established in the *In re Bayoil SA* line of authorities, the court also had a discretion to stay or dismiss a petition, thereby declining jurisdiction, where the petitioner has undisputed locus in the strict sense but is faced with a cross-claim. There is no reason in logic or policy to suggest that the parties' forum agreement had no relevance to the exercise of this discretion.

Appeal dismissed.

Hong Kong Case Summaries

Court of Appeal

[*Re: Simplicity & Vogue Retailing (HK) Co., Ltd* [2024] 2 HKLRD 1064, [2024] HKCA 299]
Kwan VP, Barma, G Lam JJA
23 April 2024

Winding-up – arbitration clause – bona fide dispute of petition debt

This appeal was brought by the company against a windingup order. The two issues were: first, what approach should the court adopt in winding-up proceedings where the parties have agreed to refer disputes to arbitration; second, whether the judge should refuse to adjourn the petition and extend time for the company to comply with the condition to pay into the court the amount of the petition debt or a substantial portion of it within 21 days, as required under the practice of the Companies Court.

Held:

- Of relevance is the approach discussed in *Re Lam Kwok Hung Guy, ex p Tor Asia Credit Master Fund LP* (2023) 26 HKCFAR 119 ("*Guy Lam*"),: namely, where there is no exclusive jurisdiction clause or arbitration provision, "a petitioner will ordinarily be entitled to a bankruptcy order (or in the case of corporate insolvency, a winding-up order) if the petition debt is not subject to a *bona fide* dispute on substantial grounds". The established approach is not appropriate where an exclusive jurisdiction clause is present.
- Having regard to the statutory framework protective of arbitration in the Arbitration Ordinance (Cap 609), there is an even stronger case for upholding the parties' contractual bargain that disputes falling within the scope of an arbitration clause should be resolved by arbitration.
- Applying *Guy Lam*, the court has discretion to exercise its jurisdiction to make a winding-up order, to determine whether a *bona fide* dispute on the debt on substantial grounds exists, or to dismiss or stay the petition. The approach of the court in exercising its discretion is multi-factorial.
- On the evidence, the company did not file evidence to dispute the petition debt; the company's contention that there was a *bona fide* dispute on the petition debt was without merit and bordered on the frivolous or constituted an abuse of process. These factors constituted a "sufficient countervailing factor which militates against the exercise of discretion to decline jurisdiction in the winding-up petition and hold the parties to their agreement to arbitrate".

Appeal dismissed.

GENDER EQUALITY IN THE INDIAN CONSTITUTION AND BEYOND

- Roshan Dalvi
Former Judge, Bombay High Court, India (1)
(CJEI Fellow 2009)

This article traces the history of Laws relating to gender since 1862 when the Indian Penal code (IPC) was enacted under the First Law Commission of India till this year. It is extracted from the book WOMAN: Her trials and triumphs by the author. The subordinate legislations and the judicial precedents take these laws much further.

> ***The Sex Equality Clauses of our Constitution will remain frozen and be a perpetuation of ancient legal injustice unless activist Judges share the new concerns and values.***
>
> ***- Justice Krishna Iyer***

Gender Laws found protectionism as discernible traces in the British legislations even prior to the enactment of our Constitution. About a century before the Constitution of India came into force, the ***Indian Penal Code, 1860***, essentially drafted by Thomas Macaulay, enumerated a host of offences against women in various chapters including, pornography, eve-teasing, miscarriage, foeticide, infanticide, trafficking, sexual assault, slavery and offences relating to marriage (2). Several offences, though perpetrated essentially against women, had a '*unigender*' approach. Some were pointedly against women offended or violated.

The ***General Clauses Act, 1897***, specified in Section 13 that words importing masculine gender should be taken to include females.

Section 6 of the ***Child Marriage Restraint Act, 1929 (CMRA),*** passed 20 years before the Constitution was enacted protected a woman otherwise on the wrong side of the law from arrest in case of a child marriage, though not the arranger of marriage.

(1) The book is available as kindle edition on Amazon.com
(2) Sections 292, 294, 312 to 318, 354, 366, 370, 372, 373, 375, 493 to 498, 509 of the IPC.

Criminalising polygamy amongst Hindus by the ***Bombay Prevention of Hindu Bigamous Marriages Act, 1946*** would latently be gender positive.

The gender-neutral procedural law regarding Civil Suits, the ***Code of Civil Procedure (CPC)***, enacted since 1859 with later amendments in 1882, 1908, 1977,1999, 2002 and 2015 shows distinct places of female protectionism decades before the enactment of the Constitution. Under Order V relating to the service of summons, service had to be effected upon the Defendant or any male member of her family. Section 56 of the CPC still prohibits imprisonment of women in execution of a money decree.

There are stray provisions for protection of women in the ***Code of Criminal Procedure (CrPC) 1882,*** and later 1973 like search of a female only by a female officer, medical examination only by a female doctor and no arrest of a female after sunset and before sunrise. There is also a substantive provision made for the protection of the woman offender. That is allowing her release on bail upon her arrest (3), which was on much the same principle as under Section 6 of the CMRA.

The protectionism in the pre-Constitution legislations gave way to positive affirmation post-Constitution. The welfare legislations relating to the gender are both protectionist and empowering.

The Western societies are shaped by the policy of complete equality. ***"The subordination of one sex to the other ought to be replaced by a principle of perfect equality admitting no power or privilege on one side, nor disability on the other,"*** said John Stuart Mill. India is not yet ready for complete gender neutrality when the crimes perpetrated upon the women and children are violent and they are themselves stigmatised. The personal laws of a very diverse ethnic and religious population came to be more egalitarian.

The ***Special Marriage Act, 1954 (SMA)*** was the first of its kind to be passed after heated debates. In the year thereafter the ***Hindu Marriage Act, 1955 (HMA)***; the ***Hindu Adoption and Maintenance Act, 1956 (HAMA)***; the ***Hindu Minority and Guardianship Act, 1956 (HMGA)*** and the ***Hindu Succession Act, 1956 (HSA)***, containing what is compendiously called the Hindu Code, was the quantum leap that India took. These legislations indeed went far from the abysmal position that women suffered in the earlier traditional society. They had still far to go.

The HMA does not differentiate between man and woman under any of its provisions. It came to confer gender neutrality for the grounds of divorce and the reliefs that could be applied even though the societal position of women had not then changed. It is critiqued as a heavily gendered law compared to the laws in countries like the United States where gender is no longer a "must" prevailing concept.

(3) The first Proviso to Section 437 (1) of the CrPC.

The HAMA initially went only as far as granting a right to adopt to a Hindu woman, who was a spinster, a widow or divorcee. A Hindu wife could adopt a child only with the consent of her husband. By a later amendment of 2011, both were entitled to adopt with the consent of each other; both husband and wife have been put on par. A same-sex child could not be adopted. Hence, at least in case of a second adoption, a female child would stand a chance.

The HMGA granted the mother the responsible position of her child's legal guardian just after the father. This would exclude any other male member of the father's family who would otherwise take precedence over the mother (as was legal position of a Muslim child under Sharia Law). Yet the 'equal' principle did not go the full length.

The succession to the properties of Hindu males under Section 8 of the HSA puts all women on par with men in a family; the wife and the mother share equally with the child or the children. Daughters share equally with the sons and the grandmother with the grandfather. The succession of a Hindu female under Sections 15 and 16 of the HSA falls short of the total equality concept enshrined in the Constitution; though the husband and the children share equally, the intestate succession of a Hindu widow not having children favours the heirs of the husband to her own heirs. Hence, the mother-in-law of the deceased daughter-in-law took precedence over her own parents (4). The challenge to the constitutional validity of this inequitable and unequal position in law has been upheld by the Bombay High Court (5) in these terms: "The egalitarian bluestocking that the Hindu Society may have become, in consonance with the Constitutional mandate, it still has left untouched perhaps the last discriminatory corner of the Hindu Society which has otherwise come of age and which would have to be looked upon as wanting in an equal society" (6). In appeal the matter was settled (7).

The Hindu Undivided Family (HUF), then consisting of only Hindu males in a family, came to be diluted under Section 6 of the HSA. For the first time, the statute provided an exception to the rule of survivorship in a coparcenary property. The interest of a male coparcener devolved by intestate succession if he left behind a female relative. This resulted in widows and daughters succeeding to the share of their husband or father to the exclusion of the brothers of the deceased male Hindu.

(4) *Om Prakash v. Radhacharan*, 2009 15 SCC 66; MANU/SC/ 0728/2009 Civil Appeal 3241 of 2009 in SLP 460 of 2008 under Section 15 (1) and (2) of the Hindu Succession Act, 1956.
(5) *Mamta Dinesh Vakil v. Bansi Wadhwa* and *Nirmalaben @ Nivedita Desai v. Nivedita Dhimant Malvi,* 2012 (6) BCR 767; LNIND 2012 BOM 748 Testamentary Suit 86 of 2000 in Testamentary Petition 917 of 2000 and Testamentary Suit 48 of 2005 in Testamentary Petition 104 of 2004.
(6) National Institute of Public Finance and Policy on Gender discrimination in devolution of property under the Hindu Succession Act, 1956.
(7) Appeal No. 638 of 2012 and Appeal no. 883 of 2012 Order dated 29 October 2013.

As late as in 2005 a new dawn broke. The daughters of the family came to be coparceners along with the sons (8). Since, ***"a son is a son until he gets a wife; a daughter is a daughter for life,"*** the daughter was given her due. Hence, the coparcenary would no longer consist of the propositus (9) with his sons, son's sons, son's son's sons, but would consist of his children, children's children and children's children's children. The daughter sharing equally with the sons may bring about a paradigm shift in the way they would be married; the ugly system of dowry which often wipes out the father or the brother of the bride, may come to a close; the woman would have to wait for her share until years after her marriage though it cannot be frittered away.

The last vestige of latent inequality in respect of the residential home (dwelling house) of the HUF came to be removed upon the repeal of the provision relating to a residential property. A sister can now claim partition of the residence. Before the amendment, she had no right of partition and could only get a share if the male members desired and obtained a partition. One must visualize the circumstances of a residence belonging to just one brother and a sister which prompted the repeal. The brother would never want a partition; the sister would never get a share.

The ***Muslim Personal Law (MPL)*** as enunciated in the Qur'an provides for a more equitable devolution of properties upon women as 'sharers' than under the pre-Qur'anic law as prevailed in Arabia. The Qur'an introduced nine additional heirs as sharers, six of them females and three males, as required in the tribal culture of Arabia in those times.

The grounds for divorce were postulated for Muslim women under the ***Dissolution of Muslim Marriages Act, 1939***, which provided some succour to the aggrieved wife. Man was the 'Maintainer of Women.' *Stricto sensu*, he must maintain even a wife richer than he. But that was only till the marriage lasted and he is the only determiner of its continuance since he had the unequivocal right to divorce and be free from maintaining her. For her maintenance, the ***Muslim Women (Protection of Rights on Divorce) Act, 1986*** paved the way for a lump sum alimony or maintenance (which could be paid in monthly instalments) (10). The social purpose of protecting abandoned and neglected women came to be served. ***The Muslim Women (Protection of Rights on Marriage) Act, 2019*** made triple talaq void and illegal, prohibited and criminalised the act and provided for all ancillary reliefs of matrimonial nature to the wife. This is in line with many Islamic countries which have prohibited any divorce except through court and under conditions emanating from the Qur'an; Algeria, Iraq, Libya, Morocco, Tunisia, Egypt, Syria, Lebanon, Pakistan and Maldives. These Islamic countries allow and recognise only divorces by courts, not qadis, preceded by reconciliation.

(8) *Vineeta Sharma v. Rakesh Sharma*, 2020 9 SCC 1; 2020 SCC Online 641; MANU/SC/0582/2020. This was to be even if the father was dead in 2005.
(9) The person at the top of the line of descent. Used in Hindu Undivided Family (HUF) consisting of lineal descendants with a common ancestor.
(10) *Daniel Latifi v. Union of India*, 2001 7 SCC 740; *Karim Abdul Rehman Shaikh v. Shahnaz Karim Shaikh,* 2000 3 MLJ 555 FB BOM.

The ***Indian Divorce Act, 1869 (IDA)***, which was in line with the Divorce and Matrimonial Causes Act, 1865 in the United Kingdom, discriminated on the grounds of divorce applied for by Christian wives and husbands. The Act continued to apply in India to Indian Christians much after the English Act was repealed by the Matrimonial Causes Act, 1973 bringing in the ground of irretrievable breakdown of marriage to put an end to all earlier woes. Under Section 10 of the Act, the husband could sue for divorce on the ground of adultery only, but the wife could sue only if adultery was accompanied by the grounds of cruelty or desertion. A part of the Section was held ultra vires the Constitution on the ground of gender discrimination and set aside, such that the remainder of the Section allowed the wife to sue on any one of the aforesaid grounds (11). This led to the amendment of Section 10 of the Act in 2001 granting the same grounds of divorce to wives and husbands.

The law relating to succession amongst Syrian Christians in Travancore granting ¼ inheritance rights to daughters as against the sons was held to be gender discriminatory leading to the repeal of the Travancore Succession Act, 1916 (12). The general rule of equitable succession amongst Christians under Section 37 in Chapter II of the Indian Succession Act, 1925 (ISA) granting equal rights to females with their male siblings in the family property would then apply as it did elsewhere in India.

Chapter III in Part V of the ISA dealing with intestate succession of Parsis under Sections 50 to 56 as originally enacted would fall foul of the equality principle of the Constitution; the estate would be divided into such number of shares as the heirs would merit - the son getting double the share of the daughter and the father getting double the share of the mother. It was amended in 1991 to bring about complete parity between Parsi males and females succeeding to estates. The ***Immoral Traffic (Prevention) Act, 1956*** **(ITPA),** amended in 1986 protects women against commercial and sexual exploitation. All children, male and female, are protected under the ***Child Labour (Prohibition and Regulation) Act, 1986*** **(CLA).**

The ***Juvenile Justice (Care and Protection of Children) Act, 2000*** **(JJA)**, which is unisex, protects juvenile delinquents (children on the wrong side of the law) as well as juvenile victims (children in need of care and protection) under the aegis of the Child Welfare Committee (CWC). Hence, a girl who has been sexually abused or assaulted or otherwise violated (victim) must be sent to the CWC for counselling and the man who is accused of the offence must be sent into police custody for interrogation. Section 41 of JJA allows adoption of children of either sex by any person of any religion, a latent step towards the Uniform Civil Code (UCC), the constitutional mandate, aside from being gender-neutral (13).

(11) *Ammini E. J. v. Union of India,* AIR 1995 KER 252 DB. The words 'incestuous' and 'adultery coupled with' were severed and held ultra vires. *Mary Sonia Zachariah v. Union of India,* 1995 II DMC 27 FB KER. Also, *Pragati Verghese v. Cyril George Verghese*, AIR 1997 BOM 349; 1997 3 All MR 504; 1997 3 MLJ 602 + 1997 4 BCR 551; 1997 BCR Cri 918 FB.
(12) *Mary Roy v. State of Kerala*, AIR 1986 SC 1011; 1986 1 SCR 371 ultimately executed in 2010 – The Hindu.
(13) *Shabnam Hashmi v. Union of India*, 2014 4 SCC 1.

Section ***498-A of the IPC*** and the ***Protection of Women from Domestic Violence Act, 2005 (DVA),*** protect women from cruelty and domestic violence. As affirmative action, it would stand the test of positive discrimination. The situation in every country has merited a law for protection of women against the cruelty of men (14). The provision made for persons in live-in relationships allows for protection of many such women who are abused and exploited. A converse position has not yet seen the light of the day in any country. How many men have been shown to have been beaten up black and blue for meriting such legislation, we do not know.

Even in the laws enacted in favour of women and children, the women themselves are outside the anvil of the law (15). A woman cannot be removed from any household under the DVA on the application of another woman. Just as a married woman cannot remove another woman (a mother-in-law or an unmarried sister-in-law), a father-in-law could not remove his daughter-in-law because of the protective umbrella of the DVA, a wife being entitled to the 'shared residence' (16)

The pregnant woman under the ***Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 (PCPNDT Act)*** cannot be arrested even if she has tried to abort the female foetus. The reasoning behind making the exception is much the same as in the CMRA. No woman would personally prefer to abort her child merely because she is a female. She would do it under the constraint of the male members and other in-laws of her family.

The ***Medical Termination of Pregnancy Act, 1971 (MTPA)*** is entirely for the protection of the physical well-being of a woman; it transcended the frontiers of empowerment of women when it was enacted. The traditions in India did not permit the luxury of abortions. The Hindu texts and the Zoroastrian scriptures prohibited it. The Christian churches condemned it. Islamic Law took the most liberal view, permitting it under certain circumstances before 120 days (the point of ensoulment) and prohibiting it thereafter, except to save the life of the woman, which is what much of MTPA today is. The MTPA gives a right to a woman not to be a mother if she does not wish it, of course, under specified situations (17).

Section 4 (4) (b) of the Family Courts Act, 1984 enjoins appointment of preferably women judges in the Family Courts (18), albeit some of them have come under flak.

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(14) This law, like many other welfare legislations, has been, at times, abused.
(15) Proviso to Section 19 (1) of the protection of Women against Domestic Violence Act, 2005 and Section 23 (1) (b) of the Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, 1994.
(16) *Satish Chandra Ahuja v. Sneha Ahuja*, 2020 SCC Online 841; *S.R.Batra v. Taruna Batra*, 2007 3 SCC 169 overruled.
(17) The specifications are as to the time of advancement of pregnancy, medical problems for women or the foetus or rape survivors. The legal position is like what is in the United Kingdom and different from most States of the United States.
(18) Section 4 (4) (b) of the Family Courts Act, 1984 as conceptualised by Durgabai Deshmukh.

The Family Law was designed by the 54th Law Commission of India to have a special approach in view of the *"serious emotional aspects*" involved in the litigation. The 59th Law Commission Report suggested that the judges should be *"trained to deal with the disputes in a humane way"* (19). A person in such a position, male or female, is not expected to be driven by biases and prejudices. This would demand understanding of the various facets of family life for all parties to the litigation without gender bias in passing orders - not only orders and judgments in favour of women.

The provisions of the ***Protection of Children against Sexual Offences Act, 2012 (POCSO)***, affords specific positive protection to children who are sexually abused or violated. It is the first step towards the 'Doctrine of Victimology' in our country. The detailed provisions take care of the various stages that the victim goes through upon the offence being committed till the end of the trial including her rehabilitation. The police, legal and judicial officers should have sensitivity and empathy. I would call this unique quality demanded of any person – *sentipathy* - a portmanteau of the expressions 'sensitivity and empathy'. I have detailed how I dealt with cases of child sexual assault with the necessitated '*sentipathy*' in my book '*Tangible Justice*'. That was years before the enactment of POCSO in 2012 by modes which came to be accepted by the United Nations Office on Drugs and Crimes (UNODC) in drafting a protocol on the rights of the abused and violated children some of which later came to be incorporated in POCSO (20).

Women are allowed employment without any restriction under the ***Maharashtra Shops and Establishments Act, 1948 (MSEA)***. The provisions specifying working hours of women in the ***Factories Act, 1948 (FA)*** (Section 66) (21) and specifications for women under the ***Hazardous Work Prevention Act, 1986 (HWPA)***, timings of work under the ***Mines Act, 1952*** would be allowable on the ground of protection of women who work in factories and mines as against the women working in shops. Women not being allowed in certain areas of an industrial unit which were dangerous or hazardous would stand the test of a justifiable protection; it would not curtail her freedom in any way.

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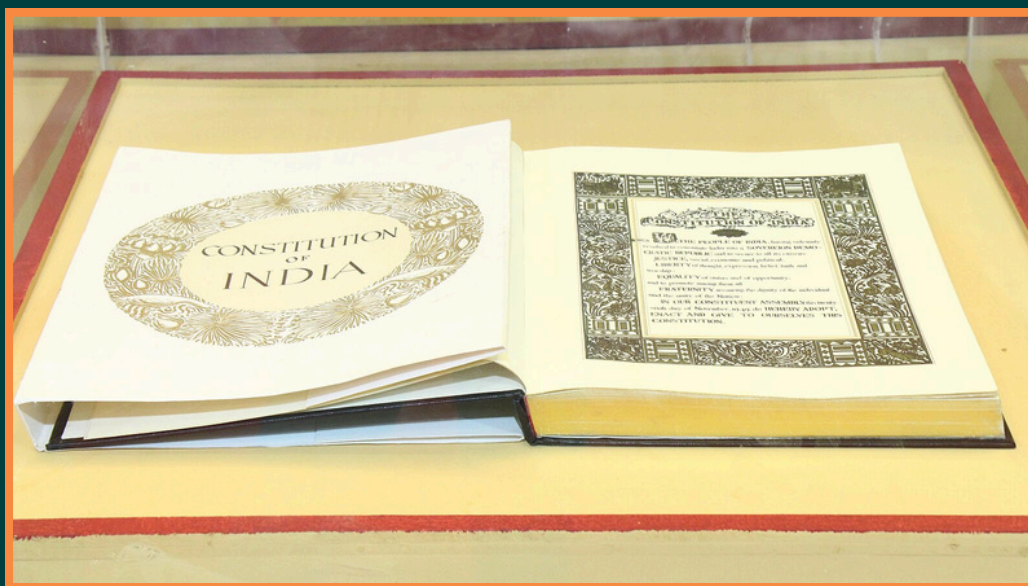
(19) Justice Hosbet Suresh, *My Voice Is My Conscience* (2015, Mumbai: Bhasya Prakashan), pp. 102 – 103.
(20) The chapter on Criminal Jurisdiction sets out the cases.
(21) Section 66(1)(b) of Factories Act, 1948, prohibits women from being engaged in a factory from 7.00 p.m. till 6.00 a.m. These restrictions and duties on the employer are aimed at ensuring security of female employees. Arranging for secured transportation to female employees working beyond permissible hours is mandatory. Non-adherence to such conditions attracts penalties. Section 66(1)(b) of the Factories Act, 1948 has been declared unconstitutional by the Madras & Gujarat High Courts, as the same has been considered discriminatory and against Fundamental Right of Equality enshrined under Article 15 of the Constitution. However, the Kerala High Court has upheld the constitutionality. The Madras High Court laid down certain conditions for protection of women in case they are required to work beyond 10.00 p.m., which includes protection against sexual harassment, separate transportation facility, separate canteen facility/restrooms, women to work in groups and so on. Specific establishments or group of establishments, such as IT companies, hotels, media companies and so on, are allowed to engage female employees beyond permissible hours at night on similar conditions. Night shifts work for both male and female employees is considered in *R. Vasantha v. Union of India*, 2000 SCC Online Mad 856; 2001 2 LLN 354; 2001 2 LLJ 843.

Despite the ***Equal Remuneration Act, 1976***, and the ***Employees State Insurance Act, 1948*** (Section 50), the wages and salaries of women workers are reported to be between 34% and as much as 80% less than those of men for equivalent work, aside from at least 6 hours of unpaid work as homemaker. The statistics are available only of the women employed in the organised sectors. The unorganised sectors are dominated by women of whom nothing is known, except the knowledge that masses of women pervade that scene.

The ***73rd*** and ***74th Constitutional Amendments of 1993*** made way for what is popularly called Panchayati Raj in India. It reserved 1/3rd positions for women in village panchayats, municipalities and local bodies. Recently the position in ***Parliament*** has been made equal on the statute book, though not on ground.

When women thrive all of society benefits and succeeding generations are given a better start in life.

- Kofi Annan



Constitution of India at the Geospatial World Forum 2017 (Hyderabad, India)
Courtesy of Wikimedia Commons

The Learning Judge: Plays. Well. With Others.

contributed by the Singapore Judicial College

At the start of this year, the Singapore Judicial College ('SJC') launched an updated version of its Judicial Competency Framework ('JCF 2.0') (1) along with a slate of new programmes aimed at supporting Singapore judges as adaptable, self-directed, resilient, lifelong learners. In so doing, the SJC has benefitted from the insights and expertise of many. In this feature, we share some of the SJC's key takeaways from the opportunities we have had to advance learning through innovation, reflection and collaboration. If any of this sparks curiosity and you would like to learn more, do reach out to us at sjc@judiciary.gov.sg.

Developing Learning Judges

The JCF 2.0 is a developmental tool to guide the learning of Singapore judges. It comprises 14 competency categories over three phases of a judicial career. Each competency category articulates the knowledge, skills and other attributes required of judges to excel in their adjudicative and systemic functions (2). In this feature, we zoom-in on three of the 14 competency categories:

(a) "Competence in Related Fields". This encourages our judges to acquire and apply relevant multi- and inter-disciplinary knowledge, including keeping abreast of technological advancements.
(b) "Resilience, Well-being and Self-management". This encourages our judges to adopt practices and mindsets that enable them to be resilient and self-aware professionals; empathetic and reflective leaders; and mentally and physically healthy individuals.
(c) "Learning and Adaptation". This requires our judges to acquire methodologies of learning how to learn, with a view to becoming adaptive adult learners enabled by learning technologies.

In the first half of 2024, the SJC rolled out a range of programmes to address these competencies, amongst others. Key takeaways from our experiences doing so are shared below.

(1) See Judicial Competency Framework, https://www.judiciary.gov.sg/singapore-judicial-college/competency-framework.
(2) The concept of judges playing a "systemic" function in addition to their "adjudicative" role has been expressed in various speeches by the Honourable Chief Justice Sundaresh Menon of Singapore. See, for instance, The role of the judiciary in a changing world, Supreme Court of India Lecture Series, 4 February 2023, https://www.judiciary.gov.sg/news-and-resources/news/news-details/chief-justice-sundaresh-menon-speech-delivered-at-the-inaugural-supreme-court-of-india-day-lecture.

Play is Pedagogy

The ends of judicial education are a serious undertaking. The means of judicial education, however, do not always have to be. Play as pedagogy is a well-documented approach for learners of all ages (3). It can be daunting to implement guided play as an instructional approach for adult learners in general and judges in particular. Ultimately, it comes down to the right fit between learning outcomes, subject matter and instructional design.

A priority for the SJC is to support the technology competence of our learning judges. This extends beyond familiarity with technology law and into appreciation of the technologies themselves. In thinking through the learning outcomes for our inaugural Tech Futures series, we realised that using guided play would be a novel way of enabling our learning judges to unpack the following questions:

(a) How does a particular technology work?
(b) What is a user's experience of a particular technology?

The product of our experiment with play as pedagogy was 'All Hands on Tech: A Hands-on Experience of Emerging Technologies' (Mar 2024). This interactive in-person session enabled judges to use and experience various technologies including virtual reality, the metaverse, haptics and sensors, Blockchain, Artificial Intelligence, 3D-Printing, Robotics and Holograms. Experts on generative AI, blockchain, data privacy and criminal law, comprising legal academics, start-up founders and lawyer-programmers, were invited to engage in discussion with judge-learners on the impact of these technologies on the law, society and the administration of justice.

Having provided our learners a chance to play with the various technologies on display, we supplemented the guided play session with subsequent deep-dive traditional seminars delivered by international multi-disciplinary subject matter experts, namely:

(a) 'Law & Technology Essentials: An Overview of Important Criminal, Property and Privacy Issues' (Apr 2024).
(b) 'In Tech We Trust: the Impact of Technology on the Judiciary's Role as a Trusted Institution' (Apr 2024).

We capped-off the Tech Futures series with an 'All Hands on Tech: Productivity Edition' (May 2024). This workshop-style session addressed tips and tricks that judges can employ to get the most out of their use of everyday productivity technology tools (Microsoft Word, PowerPoint, Teams). It included an introduction to the Singapore public service's in-house version of ChatGPT (known as PAIR).

(3) See, for instance, *Playing to Learn*, https://www.gse.harvard.edu/ideas/usable-knowledge/19/03/playing-learn.

Our key takeaway from designing and delivering this collection of programmes is that guided play can be effective as a 'gateway' pedagogy to spark curiosity in subject matter that may seem remote, overly technical or intimidating to adult learners. By supporting learners to explore, interact and discover in a semi-structured experiential environment, barriers to learning can be effectively reduced, paving the way for more in-depth, academic and critical engagement with the subject matter.

Learning Judges engage in guided play involving robotics, 3D printing, virtual reality and haptic technologies.

Wellbeing is Competence

Dean of the SJC, Professor Natalie Skead, is part of an Australian research team funded by an Australian Research Council Discovery Project Grant (DP 220100585) to conduct a national study on "Judges work, place and psychological health". The project team has published an article reporting the results of a survey involving more than 600 current and former judicial officers from all Australian State and Territory courts. The article entitled "Preliminary findings from a large-scale national study measuring judicial officers' psychological reactions to their work and workplace", the abstract of which appears below, was published by the Judicial Commission of New South Wales in the July 2024 edition of the Judicial Officers' Bulletin. The Open Access version of the article can be found at: https://www.judcom.nsw.gov.au/bench-books-resources/selected-articles/preliminary-findings-large-scale-national-study-measuring-judicial-officers-psychological-reactions.

The ways in which institutional and workplace pressures and stressors intersect to deplete judicial wellbeing and capacity are not well understood. This article reports on stage one of a national multidisciplinary project which surveyed over 600 current and former judicial officers' perceptions and experiences from all Australian State and territory courts.

A key finding is that the respondents indicate they derive considerable satisfaction from the contributions they can make to society in applying the law and in making complex legal decisions, even when this work exposes them to distress and to the trauma of others. A second key finding is that, for over 30% of respondents who completed the survey's Secondary Traumatic Stress Scale (STSS) questions, a formal assessment of post-traumatic symptoms is clinically warranted. This is a high figure and supports the view that judicial work entails dealing with a combination of stressors in a way that may be encountered by few in other professions. While these stressors can be countered by the satisfaction inherent in the role and may not translate into harm for the judicial officer, they potentially have adverse consequences for individuals, courts and for the administration of justice.

A key pillar of the SJC's approach to judicial education is the emphasis on supporting our learning judges in developing and maintaining their professional wellbeing as a competence (i.e. as an active practice rather than a passive outcome). In this way, the SJC can make a meaningful contribution to supplementing the institutional support of judicial wellbeing by appropriately and explicitly acknowledging the inextricable, but often unspoken, link between mental health, wellbeing and resilience.

To this end, the SJC's wellbeing-focussed programmes in the first half of 2024 have adopted two modalities:

(a) *Inter-profession, peer-based sharing of best practices*. In February 2024, the SJC co-hosted with the State Courts of Singapore, a session titled "Flourishing Under Pressure: A Medico-Legal Exchange of Best Practices". Medical professionals work in high-stress, high-stakes environments that are analogous to the conditions in which many judicial officers operate. Having medical peers share openly about managing stress, emotions, and mental and physical health to reduce adverse wellbeing and promote positive wellbeing contributes to destigmatising and normalising open and honest discourse on these issues.

(b) *Expert-led experiential practise of wellbeing strategies*. The SJC recognises that wellbeing as a competence cannot simply reside at the level of knowledge about self-care and self-management. To this end, the SJC has begun to explore experiential approaches in how we develop and deliver wellbeing programmes. In July 2024, the SJC piloted a session with the Family Justice Courts of Singapore titled "Taking Care of Me in the Courtroom". In the session, a clinical psychologist facilitated group practise of the following: labelling feelings; taking self-compassion breaks; and use of supportive touch.

In addition to holding dedicated formal learning events focussing on wellbeing and mental health, such as the session above, the SJC continues to evolve and enhance how wellbeing as competence can be pervasively addressed in the range of our programme. In this regard, when developing curricula and designing programmes, the SJC is increasingly on the lookout for opportunities in plenaries and activities to incorporate discussions specifically addressing wellbeing, recognising that some learning activities lend themselves to these conversations emerging organically. Undertaking research focussed on judicial wellbeing that can inform our programme development is a capacity that will be developed through the research arm of the SJC.

'With Others' is Growth

At the SG-AU-NZ Judicial Education Roundtable hosted by the SJC in late 2023, a delegate observed: "I learn the most about my jurisdiction by studying others". The significance of that simple observation is an invitation to see others, not as competition or yardstick, but as opportunities for reflection and growth.

It is in this spirit of collaboration that the SJC has participated in programmes and collaborated with counterparts from a range of jurisdictions to advance innovation in judicial education.

In April 2024, the SJC's Executive Director, Judge Justin Yeo delivered a presentation at the Inaugural Singapore-India Conference on Technology titled "Use of AI In Judicial Education – What Is & What If". The presentation shared how the SJC is currently using AI selectively in its development of instructional materials for its learning programmes. It also offered a glimpse into the SJC's plans for other experimental uses of AI and extended reality technologies in instructional design and learning delivery innovation. A version of this is published in this issue, CJEI Report Fall 2024, at page 28.

(4) This involved the SJC (Singapore), National Judicial College of Australia (Australia) and Te Kura Institute of Judicial Studies (New Zealand).
(5) This involved the SJC (Singapore) and *École nationale de la magistrature* (France).

Continuing the momentum of international sharing of judicial education best practices, in May 2024, the SJC hosted an SG-FR Judicial Education Knowledge Exchange that focussed on strategies for curriculum development and the use of technology in pedagogical innovation. Key takeaways included the need for learner-centredness and relevance when designing learning for judges; and the need for responsible experimentation with AI and how it can be used to enhance learning for judges.

While technology features heavily in the SJC's efforts to reimagine pedagogical approaches to judicial education, pedagogies that encourage active, learner-led engagement are also a focal point of the SJC's work. To this end, in July 2024, the SJC and the National Judicial Institute of Canada ("NJI") collaboratively delivered two in-person programmes in Singapore.

The first programme was a two-day judgment writing coaching clinic for mid-career judicial officers. Building on the SJC's foundational judgment writing course, this programme delved deeply into issues-based approaches to writing, critical review of drafts, and effective editing techniques.

The design of this advanced programme liberally employed coaching as a core methodology to encourage learner-led enquiry and self-directed learning. It featured one-on-one and group coaching sessions, utilising real judgments (submitted by learners) and hypothetical judgments. By employing this approach, the programme equipped learners to continually improve their judgment writing, promoted a culture of active feedback-seeking, and encouraged openness to constructive criticism by providing a supportive space for learning judges to get comfortable with such practices.

The second programme was a workshop on facilitation, coaching, and mentoring for effective judgment writing. The learners comprised the SJC Senior Faculty, Faculty, subject matter advisors, and judicial mentors. This workshop equipped learners with the skills to provide developmental feedback on judgments and general judgecraft. Through demonstrations and role-plays, participants learned best practices in facilitation and coaching, helping them to more effectively guide and support their peers and mentees.

These programmes were the product of close and creative collaboration between the programme development teams at both the SJC and the NJI. The experience has enriched both teams and helped push boundaries on what advanced skills-based training might look like. It is testament to the growth that is possible when we reflect on what we do as judicial educators, with the insight of others working alongside us.

SJC-NJI Judgment Writing 201 Class Picture 2024

The following article is adapted from a presentation delivered by Judge Justin Yeo at the inaugural Singapore-India Conference on Technology on 13 April 2024. The theme to which this presentation is addressed is the "Use of Artificial Intelligence in Judicial Education". Judge Yeo is presently the Executive Director of the Singapore Judicial College and a Fellow of the Commonwealth Judicial Education Institute.

Use of AI In Judicial Education: WHAT IS & WHAT IF

Judge Justin Yeo (1)
Singapore Judicial College (CJEI Fellow 2024)

I. Introduction

Over the course of this conference, we have heard about Artificial Intelligence ("**AI**") in the practice of law and the work of the courts. I am grateful for the opportunity to take the discussion to a different area: the use of AI in judicial education.

I start by providing a quick overview of the Singapore Judicial College's ("**SJC**") approach to Judicial Education generally; this will provide context for the points I will make later. I will then briefly consider some of AI's limitations from the perspective of a judicial educator, before diving into the two main courses.

(1) With deep gratitude to Professor Natalie Skead (Dean, Singapore Judicial College) and Anita Parkash (Director, Singapore Judicial College) for the ideas contained in this speech. All errors (and hallucinations) are solely my own. To avoid doubt, this piece is written entirely by a human author.

First, "**WHAT IS**". Here, I'll provide three illustrations of how the SJC has used existing AI tools in learning design and delivery. Second, "**WHAT IF**". Here, I'll flag three innovative ways of using AI in judicial education. These are not "moonshots" by any measure. Indeed, they are more in the nature of "in the pipeline" than "just a pipe dream".

II. SJC's Approach to Judicial Education

I start by speaking about two sets of evolutions that have shaped the SJC's approach to judicial education.

A. Pedagogical Evolution

The first concerns pedagogical evolution. The traditional model of transmitting knowledge through teaching is no longer fit for purpose today. In a rapidly changing and increasingly disrupted – some say dislocated (2) – world, it is no longer possible to educate simply by teaching learners more, and more (and yet more).

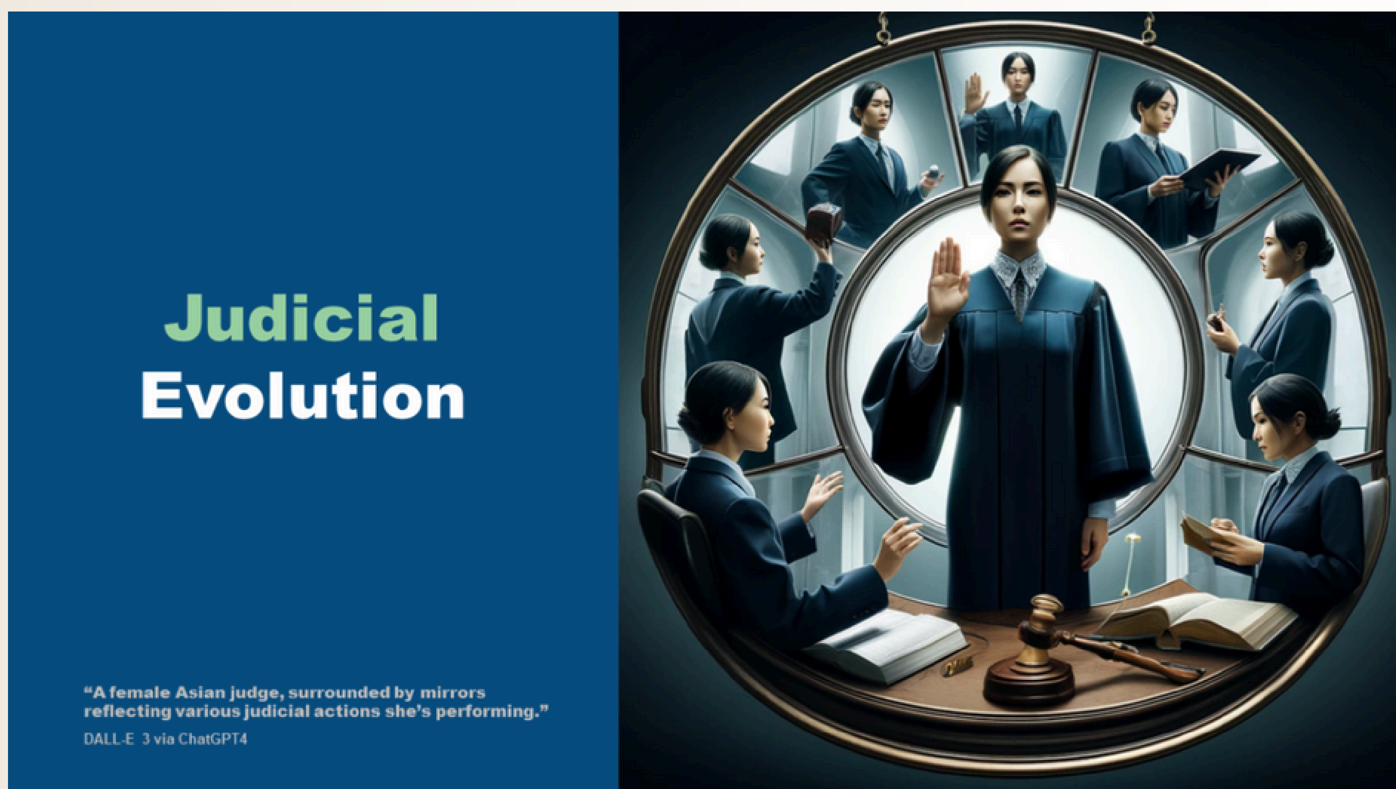
In 2019, Chief Justice Menon emphasised the "decreasing half-life of knowledge" (3). He was referring to the "ever-diminishing amount of time before half of the knowledge in a… field becomes … obsolete or irrelevant" (4).

(2) See, *eg*, Thomas Friedman, *Thank You for Being Late: An Optimist's Guide to Thriving in the Age of Accelerations* (2016).
(3) Chief Justice Sundaresh Menon, "A Profession of Learners", Mass Call Address 2019 (27 August 2019), https://www.judiciary.gov.sg/docs/default-source/news-docs/mass-call-2019---a-profession-of-learners.pdf.
(4) This quotation is from a speech by Chief Justice Sundaresh Menon, concerning judicial education, to all Singapore judges and judicial officers in early 2024 ("Judicial Education Townhalls 2024").

The pace of change means that the knowledge we acquire is becoming outdated soon after we have acquired it. Unless we continue to learn, we – too – become outdated very quickly. Some of these thoughts were behind Chief Justice Menon's emphasis at the 2023 Supreme Court of India Day lecture that judges must "fully embrace the need for lifelong learning" (5). Earlier this year, Chief Justice Menon urged Singapore judges to recognise that "no matter how senior or experienced" we may be, we must "inculcate a culture in which there is a commitment to continuously learn and upskill ourselves to make us more effective judges" (6).

The pedagogical evolution means that – as judicial educators – our pedagogical approach must go beyond "teaching". We must consider how to encourage a commitment to learn, and to enhance our Judges' ability to learn. To be sure, the learning must entail not just acquiring substantive legal knowledge or enhancing analytical abilities, but also honing practical judicial skills – what may be called "judgecraft".

B. Judicial Evolution



Other than pedagogical evolution, there is a second evolution afoot: what I will refer to in shorthand as "judicial evolution".

In the past, Judges were expected to be professional adjudicators and not much more.

(5) Chief Justice Sundaresh Menon, "The Role of the Judiciary In A Changing World", Supreme Court of India Day Lecture Series 1st Annual Lecture (4 February 2023), https://www.judiciary.gov.sg/news-and-resources/news/news-details/chief-justice-sundaresh-menon-speech-delivered-at-the-inaugural-supreme-court-of-india-day-lecture.
(6) Chief Justice Sundaresh Menon, "Judicial Education Townhalls 2024".

Adjudicative competence remains necessary today, but it is no longer sufficient. We now live in an age of misinformation, truth decay, and challenges to trust in public institutions. In this brave new world, if we as judges are to properly discharge our judicial mission, we must do more than simply adjudicate. We are custodians of the justice system and, accordingly, must actively seek to improve it. We must learn to think systemically, and always be on the lookout for how we can improve our justice systems; in so doing, we can enhance access to and quality of justice. We must constantly seek to improve the lives of all who operate, use and rely on the justice system.

The SJC helps our Judges to manage the evolving judicial role by adopting a "T-Shaped Development" model – building depth in key competencies, and breadth in adjacent areas. A recent example, pertinent to today's session, is the TechFutures series introduced by the SJC. This series enabled Judges to learn about AI and other technologies through hands-on interactive experiences with consumer technology (7). We also had seminars examining legal issues surrounding emerging technologies, and the implications of technology for justice system reform (8).

We at the SJC have firmly embraced both the pedagogical and judicial evolutions. We therefore no longer simply aim to provide *learning for judges.* Our role goes beyond that: we aim to nurture and inspire *Learning Judges.* One of the ways we do this is through exploring the use of technology (such as generative AI) to enhance judicial learning. Driving all of this is a spirit of experimentation, reflection and iteration.

III. AI's limitations and deficiencies

Of course, we must be mindful of the deficiencies and dangers in AI tools. Many of these are well known and have been discussed at length. I limit my observations to five key concerns from a judicial educator's perspective:

First, *transparency*. AI is a black box. We do not know what goes on inside, and the manner of output production is opaque and technical.

Second, *truth and accuracy*. Large language models may appear to understand, think and reason. But, in fact, they do not.

(7) Consumer technologies featured included a range of AI chatbots like Claude by Anthropic, Gemini by Google, Copilot by Microsoft and ChatGPT4; Personal Chatbots like Broken Teddy (a wellbeing chatbot), Replika (a chatbot companion) and Kuki (a chatbot influencer); entry-level 3-D printing and hologram technologies; AI-enabled interactive and autonomous robotic technology in the form of Loona the Petbot by KEYi Tech; haptic gear by bHaptic and AR/VR headsets by Meta.

(8) For instance, "Cryptocurrency and Digital Assets: Current and Forthcoming Issues" (12 Sep 2023); "How Tech Reform Has Been Done in the Civil Service" (15 Nov 2023); "Law & Technology Essentials: An Overview of Important Criminal, Property and Privacy Issues" (5 April 2024); "In Tech we Trust: The Impact of Technology on the Judiciary's Role as a Trusted Institution" (17 April 2024); "All Hands on Tech: Productivity Edition" (7 and 9 May 2024).

What they really do is study patterns and draw from human intelligence, experience and history – indeed, this has led some experts prefer the term "IA" ("intelligence augmentation") rather than "AI" ("artificial intelligence"). These models may hallucinate, and their output may be neither accurate nor true.

Third, *bias*. AI absorbs the traditional stereotypes and hidden biases within its knowledge base. Its output likewise reflects these conscious and unconscious biases. If we unthinkingly rely on AI's output, biases may become further entrenched in society.

Fourth, *security*. AI platforms may not be sufficiently secure for use, particularly for organs of state such as the judiciary. Security breaches may undermine public trust in the judiciary.

Fifth, *privacy*. Anything put into publicly available generative AI platforms becomes part of the knowledge base that is scraped for future output.

All these limitations mean that there is a real risk in allowing learners to learn directly from AI without human intermediaries or curation. For rough and ready learning for the lay person: yes, generative AI may be sufficient for now. But for the professional learning judge? Probably not yet.

That said, it is undeniable that AI is an extremely powerful education and learning tool. The challenge is not *whether* to use AI in judicial education, but *how* to use it ethically and safely.

To this end, the SJC adopts a measured, critically cautious, and deliberate approach to using AI in our work. This does not mean that we are risk adverse. It means that we create safe spaces within which AI is deployed for judicial education. We aim to be at or near to the cutting edge, without anyone being cut. The judicial education space may well serve as a sandbox for experimenting with AI technology which could, in time to come, have wider use in the judiciary. You will see our approach more clearly when I turn to the main courses of my session: the "WHAT IS" and the "WHAT IF".

IV. "WHAT IS"

The "WHAT IS" involves lower-risk activities, using existing generative AI tools to create instructional material for use in SJC's learning design and delivery. In the "WHAT IS", learner interaction with the AI is *indirect*. I will share three case studies drawn from our "WHAT IS", focusing on our training in judgecraft (rather than in substantive law).

A. WHAT IS #1: Courtroom Communications

The SJC's maiden attempt at using AI to teach a programme was in our "Courtroom Communications" programme, which took place in September 2023.

we wanted to achieve. We wanted learners to appreciate the motivations, concerns and expectations of various personas they encounter in their courtroom – accused person, court interpreter, court reporter, counsel, etc. This would, in turn, highlight the importance of adopting a range of appropriate communication strategies in the courtroom

What we did. We created a "human library" in a real courtroom. Actors played the various personas. They sat or stood at the relevant places within the courtroom. Learners made their way through the courtroom, speaking to each persona in turn. We used the generative AI tool PairGPT (9) to generate drafts of the persona scripts to ensure a robust overarching narrative and enhance effectiveness of the learning experience.

What we learned. We learned two things. First, that generative AI drafts *very* fast, and certainly in a fraction of the time required by human writers. Second, that for optimal educational purposes, we cannot just rely on AI. We need quality human input on the prompts put into the platform, as well as to curate and finesse AI's output.

Overall, generative AI was a force multiplier for us. It enabled a small team to execute a complicated learning design under tight deadlines.

B. WHAT IS #2: Judgment Writing

Driven by the success in using AI for "Courtroom Communications", the SJC next used AI to augment our "Judgment Writing" programme.

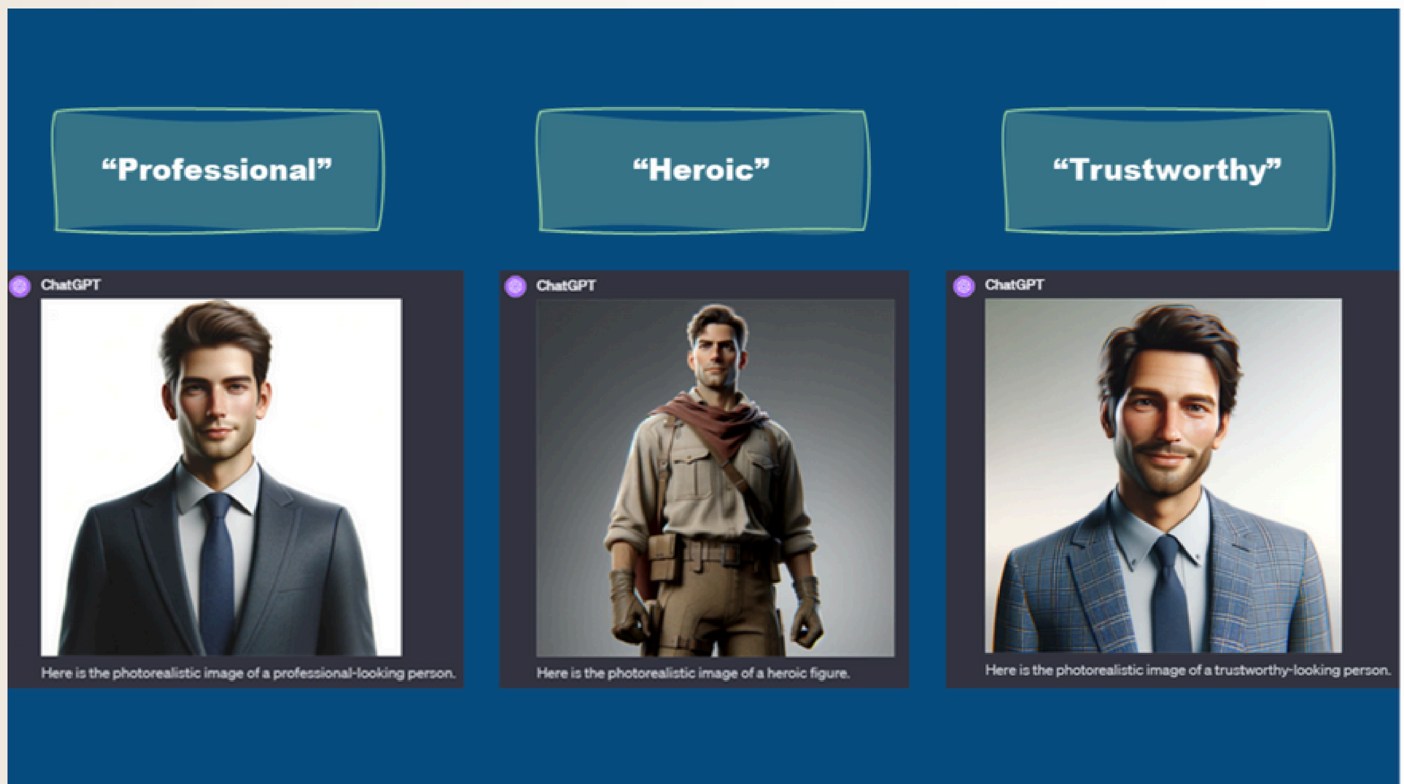
What we wanted to achieve. We wanted learners to recognise features of good and poor judgment writing. We needed to do so respectfully, to create a safe space to engage in candid critique and discussion. We recognised that it might sometimes be sensitive to use real judgments as samples.

What we did. We created samples of fictional extracts of judicial writing to demonstrate common errors and issues. We invited learners to critique the samples and suggest improvements. For this task, we used ChatGPT to generate fictional writing samples.

What we learned. Again, we learned two key lessons. First, learners were more comfortable critiquing a writing sample that was not attributed to an actual author (much less a colleague or superior). Second, it was somewhat easier for existing generative AI tools to produce an example of poor specialist writing, rather than a good one. This may perhaps be because large language models aren't specifically tuned to specialist judicial writing. If a model can be trained specifically for judicial writing, this could have broader learning and use applications.

(9) PairGPT is powered by the same Large Language Model underlying ChatGPT. It is customised for public officers in Singapore, with added security and government context to enhance its output for these officers.

C. WHAT IS #3: Assessing Credibility



The third time the SJC used AI significantly in a substantive programme was in our programme on "Assessing Credibility".

What we wanted to achieve. We wanted learners to reflect on the range of conscious and unconscious biases that they might encounter in their judicial work. We were mindful, however, that understanding and recognising bias in ourselves may entail a level of discomfort. It can also place the instructor at risk. It was therefore important to create a safe space within which to explore the subject matter.

What we did. We created photorealistic images of different types of people, which then formed the basis of an interactive group discussion on bias. For this task, we used Runway/ Stable Diffusion and Dall-E 3 via Chat GPT 4 to generate the images through neutral prompts.

What we learned. We learned three things from this experience. First, AI allows us to facilitate discussions on bias in a way that minimises both the discomfort to the learner and the risk to the instructor. Second, AI has inherent biases. Even though we used the neutral prompt "person", the platform generated stereotypes when we prompted it to generate images of "professional", "heroic", and "trustworthy" persons. Each of the prompts resulted in a Clark Kent-esque white male with dark hair, deep-set eyes, a chiselled jaw and feint dimples. Third, we can leverage AI's deficiency as a valuable teaching tool in itself. Instead of eschewing the use of AI because of inherent biases, we could incorporate it in the learning design.

For example, AI's inherent biases allowed us to invite critical discussion about the limitations of the technology and how some of these biases reflect our own.

We sought feedback from programme participants on all the three programmes mentioned above. The feedback has encouraged us to continue using and, indeed, to continue enhancing our use of AI to support learning in our programmes.

The "WHAT IS" will remain part of the SJC's programmes for the foreseeable future. But we cannot be content with "WHAT IS"; we must go further. And so, I turn to the "WHAT IF".

V. "WHAT IF"

Unlike the "WHAT IS", the "WHAT IF" involves higher-risk, more complex activities. These require adaptation or development of AI tools so they can be used *as* the learning experience itself, and *for* immersive learning experiences. In the "WHAT IF", learner interaction with the AI is *direct*. I should caveat that in asking ourselves "WHAT IF", we at the SJC are under no illusions: we are not AI experts. We are judicial educators and learning designers who see AI as a potentially valuable tool to enhance what we do. We come up with ideas and then work with tech experts in the endeavour – in particular, we partner closely with the Singapore Courts' Office for Transformation and Innovation and Information Technology departments, as well as Singapore's GovTech agency.

I provide three examples of "WHAT IFs" on the SJC's radar, with an invitation to reach out if you are interested to journey with us.

A. WHAT IF #1: Roleplaying Avatar

AI can be used to generate role play scripts; we already do this. There are also chatbots that provide emotional support, and tools that create and animate digital avatars (10). Admittedly, this is not without challenges or controversy – but the technology is available.

We at the SJC ask: WHAT IF these AI technologies can be adapted to specialised uses in judicial and legal education? WHAT IF we can design interactive conversational role plays with AI avatars playing different courtroom personas? We will be able to save the significant manpower required to support each roleplay. We can also enable asynchronous roleplay learning. I can already imagine how useful it will be to have the flexibility to hone my judicial skills, at my own time, by locking horns with an abrasive and (quite literally) all-knowing self-represented avatar (11).

(10) Companies like Replika.ai are already bridging the digireal gap by enabling users to interact with their personal AI companions in virtual and augmented reality and through written and oral chat functions.
(11) *ie*, an avatar playing the role of a self-represented party (sometimes referred to as a self-represented litigant or a litigant-in-person).

B. WHAT IF #2: AI Tutor/Coach/Mentor/Sparring Partner

There are already AI tools such as Grammarly and BriefCatch that we use to help sharpen writing. AI chatbots have also evolved from text-to-text, to speech-to-text, to speech-to-speech in a very short time (12). Versions of such chatbots are already surfacing in the wider learning and professional development space (13).

We at the SJC ask: WHAT IF we can train an AI system to support self-directed, on-demand individualised specialised learning and judicial skills training? WHAT IF we can train chatbots to function as AI tutors on technical areas of law? Or to provide coaching feedback on writing samples? Or to provide professional mentoring? Or to serve as sparring partners to test ideas and reasoning?

C. WHAT IF #3: Immersive Experiential Learning

Today, we can create AI chatbot companions on our laptops. We can don virtual reality ("**VR**") headsets. We can hang out as avatars in virtual or augmented reality. Some VR games already enable us to feel our experiences through commercially available haptic gear.

Armed with publicly available technology, the SJC has already experimented with interacting with an AI-powered avatar in an immersive VR environment, asking the avatar various questions and getting plausible answers.

We at the SJC ask: WHAT IF we can use AI and other technologies to create immersive digireal learning spaces, which may allow our Learning Judges to learn asynchronously through exploration and discovery? WHAT IF bespoke tools can be developed specifically for judicial learning? For example, can we teach forensics by having an autonomous AI tutor guide learners through a virtual crime scene in augmented reality? Even if such technology cannot (yet) generate evidence that will be admissible in court, can it not be deployed in the judicial education sandbox?

At the SJC, we are exploring these questions and experimenting collaboratively. In the "WHAT IF", our approach is first to understand the possible before deciding on the viable.

(12) ElevenLabs, Hey Gen and Speechify are some speech-to-speech examples of AI-powered speech cloning, generation and translation.
(13) See https://teachingcommons.stanford.edu/teaching-guides/artificial-intelligence-teaching-guide/exploring-pedagogical-uses-ai-chatbots. Some examples include Alelo, Deepbrain AI and Khanmigo by Khan Academy. While the concept of using chatbots is not in itself novel, using it to elevate judicial education arguably is.

VI. "WHAT FOR?"

I close by inviting you to consider a final pair of related "WHAT IFs". First, WHAT IF possibilities are limited not by tech but by the human user? Second, WHAT IF the real vulnerability of tech lies in the humanness of its users, such as those who seek to cut corners and outsource thinking?

AI invites us to hold up a mirror to our individual and collective human face and ask ourselves the question: "WHAT FOR". For us at the SJC, the answer is clear and brings us full circle. We leverage AI to supercharge human learning, not to replace it. In our "WHAT IS", we use AI to surmount manpower constraints, to make learning interesting, and to create safe spaces for discussions. In our "WHAT IF", we push boundaries courageously but cautiously; for now, we seek to create on-demand, asynchronous and personalised AI-driven learning. These help us to nurture and inspire Learning Judges, who serve the ends of justice and achieve the Singapore Judiciary's vision: to be a trustworthy judiciary that is – and very importantly – ready for tomorrow.

[Afternote: Since the presentation in India, there have already been major steps taken towards some of the maters that I alluded to in that presentation. For example, OpenAI and Google have released omnimodal versions of their large-language models. These models can now "hear", "speak" and "see". ChatGPT 4o displays real-time conversational fluency; an ability to understand context; and to respond even when people talk over it, like in a real conversation (14)*. Google Astra, on the other hand, claims to be able to show reasoning, planning and memory skills* (15)*. Microsoft has also launched "Co-Pilot Plus" PC, a new category of personal computer featuring generative AI built directly into Windows* (16)*. These developments significantly expand the possibilities in the design and delivery of judicial education. They also underscore the sheer pace of change in this space. Unless we continue to learn and evolve, we run the risk of becoming outdated very quickly.]*

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(14) Ina Fried, "ChatGPT's new voice welcomes interruptions" (14 May 2024), https://www.axios.com/2024/05/14/openai-chatgpt-4o-chatbot-her
(15) Melissa Heikkila, "Google's Astra is its first AI-for-everything agent" (14 May 2024), https://www.technologyreview.com/2024/05/14/1092407/googles-astra-is-its-first-ai-for-everything-agent/
(16) "Microsoft Unveils 'Copilot Plus' PC amped with AI" (21 May 2024), https://www.straitstimes.com/tech/microsoft-unveils-copilot-plus-pc-amped-with-ai

Upcoming Events

Event	Location / Date
IOJT's 11th International Conference on Training of the Judiciary	South Korea 3 – 7 November 2024
Caribbean Association of Judicial Officers 8th Biennial Conference	Hamilton, Bermuda **21 – 23 November 2024**
24th Commonwealth Law Conference	St Julian's Bay, Malta 6 – 10 April 2025
CJEI's 30th Intensive Study Programme for Judicial Educators	**Halifax, Ottawa and Toronto, Canada 1 – 20 June 2025**

We are eager to share in the CJEI Report news on judicial education developments, judicial reforms, elevations, honours, or obituaries and other news related to the judiciary such as new innovations to tackle arrears and delays, strategies to improve access to justice, landmark judgments, or recent judicial education initiatives in your country.

Contact us:
Room 306, 6061 University Avenue
Halifax, Nova Scotia, B3H 4H9 Canada
Tel. +1 902 494 1002
Fax: +1 902 494 1031
cjei@dal.ca

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