



THE LANGUAGE OF LEGAL JUDGMENTS: EXPLORING TRAUMA-INFORMED JUDICIAL WRITING

WHY DOES THIS MATTER?

Integrating trauma-informed principles into judicial writing has the potential to transform the judiciary meaningfully and, by extension, the broader legal system.

The impacts of trauma in the justice system also cannot be ignored. **Constant exposure, or exposure to a single, traumatic event, may leave professionals with “high [levels of] stress and anxiety, depression, substance abuse and suicide ideation.”** Written judgment may adversely impact victims and survivors of trauma, as language, tone, and manner in which a judgment is framed can either validate an individual’s experience or deepen feelings of shame and disbelief.

CURRENT CANADIAN JUDICARY

Canada has increasingly recognized trauma-informed justice through judicial education, ethical guidance, and professional training. However, these developments focus primarily on courtroom conduct and procedure, not on written judicial decisions. There is no consistent framework guiding how judges should address trauma in their written reasons. As a result, trauma may be acknowledged in principle but remains unevenly reflected in judicial language and reasoning.

PLEASE SCAN THE QR CODE FOR REFERENCES AND APPENDIXES



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RECOMMENDATIONS

EXPAND TRAUMA EDUCATION ACROSS THE LEGAL SYSTEM

DEVELOP A TRAUMA-INFORMED JUDICIAL WRITING PROGRAM

DEVELOP A FRAMEWORK TO MEASURE TRAUMA-INFORMED JUDICIAL WRITING

PRINCIPLE	REFLECTIVE QUESTION FOR JUDGE	INDICATORS IN JUDGMENT
Recognition of Trauma & Surrounding Impact	Does the judgment explicitly recognize the presence and effects of trauma on litigants, witnesses, counsel, court staff, and even the judge?	<ul style="list-style-type: none"> Judge explicitly references trauma (or related concepts like fear or grief) Judge acknowledges trauma's impact on litigants, witnesses, counsel, the court, and the justice system Judge recognizes how trauma affects litigant behaviour
Clarity & Accessibility	Is the language in the judgment written in plain, direct, and inclusive language that the litigant and public can understand?	<ul style="list-style-type: none"> Judgment is clear and easy to understand Roadmaps and summaries are used when applicable Judgment avoids legalese or archaic phrases
Cultural, Gender, and Historical Awareness	Does the judgment acknowledge systemic inequities, historical trauma, and lived experiences of the litigant?	<ul style="list-style-type: none"> Judgment avoids biases, assumptions, and beliefs about litigant and their behaviours Structural barriers are acknowledged and litigant is situated within broader systemic patterns
Empowerment, Voice, & Choice	Does the judgment center the litigant's lived experience and demonstrate that their voice was heard and engaged with respectfully?	<ul style="list-style-type: none"> Judgment uses accurate pronouns, identity-affirming terms, and person-first language where appropriate Judgment avoid reducing individuals to roles when names or neutral descriptors can be used
Psychological Safety	Does the judgment handle sensitive information in a way that mitigates harm and avoids retraumatization?	<ul style="list-style-type: none"> Graphic details are omitted unless absolutely necessary to legal reasoning Avoidance of judgmental or victim-blaming language
Restoration & Rehabilitation	Does the judgment frame the outcome in a way that supports healing and stability, rather than focusing on punishment alone?	<ul style="list-style-type: none"> Judgment outcome references restoration options that are available to both the offender and victim Judgment articulates forward-looking goals and the litigant's future needs, including ongoing care

APPLICATION OF FRAMEWORK

This proposed framework was applied to recent cases involving sexual violence from the Provincial Court of Saskatchewan.

RESULTS

The analysis revealed partial but inconsistent engagement with trauma-informed principles.

Key Findings:

- Courts occasionally acknowledge trauma, but rarely integrate it into legal reasoning
- Plain language improvements exist, yet accessibility remains uneven
- Litigants’ voices are often summarized rather than centered
- Sensitive facts are frequently included without warnings or justification
- Rehabilitation and restoration are underemphasized in written outcomes



Scan the QR Code for complete case results

THE FUTURE

Trauma-informed judicial writing represents a **low-cost, high impact reform** opportunity. Canada is well-positioned to develop judicial education focused specifically on written decisions, adopt provincial and national guidance or best-practice frameworks, integrate trauma-informed principles into judgment-writing programs and use writing as catalyst for broader courtroom culture change