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VISIONS

Canadian Council of the Blind Newsletter

January 2019

“A lack of sight is not a lack of vision”



President's Message++



1Louise Gillis - CCB National President

Happy New Year to all! I hope 2019 brings you good health and a great year to celebrate as this is our 75th year as an organization of the blind.

As we approach this New Year “Our Year of Accessibility” we have a lot to be proud of from 2018 which we will work to continue and grow into the future. CCB is always looking for new ideas that will interest both young and old, new to sight loss or blind since birth so that we all can live life to the fullest.

As you will see in the newsletter there are activities taking place in February but our anniversary can be celebrated anytime through the year so that we can showcase our abilities and improve accessibility for all. Please send announcements of any celebrations in your chapters so that we can add them to the website and newsletters and also send a report on the event with photos.



We are always looking at new treatments to prevent or slow down sight loss and new technology to assist in mobility, communication and entertainment.

So if you come across something new let us know so we can share it with others.



I hope all had a good holiday season with family and friends and now it's time to get back to work and our winter sports and activities. I hope you enjoy this edition of Visions which contains many interesting items.

Louise Gillis, National President



Announcements

White Cane Week 2019++

Get ready for another fun and exciting awareness week from February 3 to 9. Events include our annual AMI Canadian Vision Impaired Curling Championship and countless local activities. Please visit the CCB website to keep yourself updated on the many exciting events that will be taking place this year across the country. And stay tuned for reports on events in upcoming newsletters!



2Team Canada curling to a second victory against Team Ontario at the 2018 AMI CVICC

White Cane Week Dinner++



JOIN THE CANADIAN COUNCIL OF THE BLIND AND OUR KEYNOTE SPEAKER THE HONOURABLE CARLA QUALTROUGH AS WE CELEBRATE OUR 75th ANNIVERSARY

The Canadian Council of the Blind (CCB) is thrilled to announce that the Hon. Carla Qualtrough, Minister of Public Services and Procurement and

Accessibility will be our Keynote Speaker as we celebrate our 75th Anniversary. So mark your calendar, and join us in Ottawa, for our gala dinner, 6:00 PM Wednesday February 6, 2019, at Christ Church Cathedral's Great Hall, 414 Sparks Street.

The CCB was founded 75 years ago, in the waning months of 1944 and World War II, by returning blind veterans and schools of the blind. The CCB is the largest membership based organization of the blind with 85 chapters across Canada.

To celebrate our 75th Anniversary the Canadian Council of the Blind is dedicating 2019 to "our Year of Accessibility". The CCB is dedicated to working towards improved accessibility and a barrier free Canada while at the same time continuing its efforts to enhance the quality of life of Canadians who are blind and have low vision.

Purchase a table for eight (8) for \$800.

For More Information Contact: Becky Goodwin 1-613-567-0311.

Email: bgoodwin@ccbnational.net



'EXPERIENCE' EXPO 2019++:

MARK YOUR CALENDAR NOW!

JOIN US AT 'EXPERIENCE' EXPO 2019

Canada's only consumer show dedicated to Canadians who are blind and low vision

**THE CANADIAN COUNCIL OF
THE BLIND'S TORONTO VISIONARIES'**

'Experience'
Exp  **2019**

Sat., February 2, 10 AM to 4 PM

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For more information please visit www.ccbtorontovisionaries.ca

THE CANADIAN COUNCIL OF
THE BLIND'S TORONTO VISIONARIES'

Experience
Exp 2019

AN 'EXPERIENCE' EXPO SPECIAL EVENT
YOUR SPECIAL INVITATION TO ATTEND
A FORUM ON ASSISTIVE TECHNOLOGY
CHECK YOUR CALENDAR AND RSVP NOW!

SATURDAY, FEBRUARY 2 @ 4:00 PM
Miles Nadel Jewish Community Centre,
750 Spadina Avenue, Toronto ON

Your chance to participate in a panel discussion dedicated to bridging technology for Canadians who are blind or partially sighted and designed to achieve inclusive, progressive accessibility. Followed by a question and answer session.

Panel will include **Louise Gillis**, National President, Canadian Council of the Blind, **Chelsea Mohler**, M.Sc., Community Engagement Specialist at BALANCE for Blind Adults and a assistive technology educator and **Albert A. Ruel**, CCB's Get Together with Technology (GTT) Program Coordinator, Western Canada.

Space is limited to the first 75 reservations.
Please direct your RSVP to CCB Toronto Visionaries Voice Mail Line:
1-416-760-2163 or by email: info@ccbtorontovisionaries.ca

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Don't forget to RSVP if you would like to attend this fantastic event.

"The CCB mysteries chapter extends holiday greetings to everyone that are already thinking about 2019.++

On January 22 we will be holding our first Improv evening of the year and we hope to see you there.

Our very first Improv evening held in November was a roaring success.

Time - 6 pm to 8 pm.

Location - the CNIB hub.

Come and let your imagination do the rest!

Light refreshments will be provided.

For more info please call 416 491 7711 or

email info@sterlingcreations.ca



3A festive Donna Jodhan at the CCB Toronto Visionaries Chapter Luncheon.

Guide Dog Night In Ottawa++

On December 6, a group of Ottawa Guide Dog handlers and their 4-legged companions gathered at CCB's national office to watch *Pick of the Litter*, a documentary that follows 5 Labrador Retriever puppies from birth to adulthood. The evening was moderated by David Greene with his second Guide, *Impreza* nearby. Among the attendees were seasoned Guide Dog handlers, new dog/person partnerships, and those who were considering having a Guide. An experienced Animal Health Technician specializing in animal massage was along to pamper the pooches during the show. Additionally, a Guide Dog Emeriti and a Guide-In-Training were present.



4David Greene and his guide dog Impreza

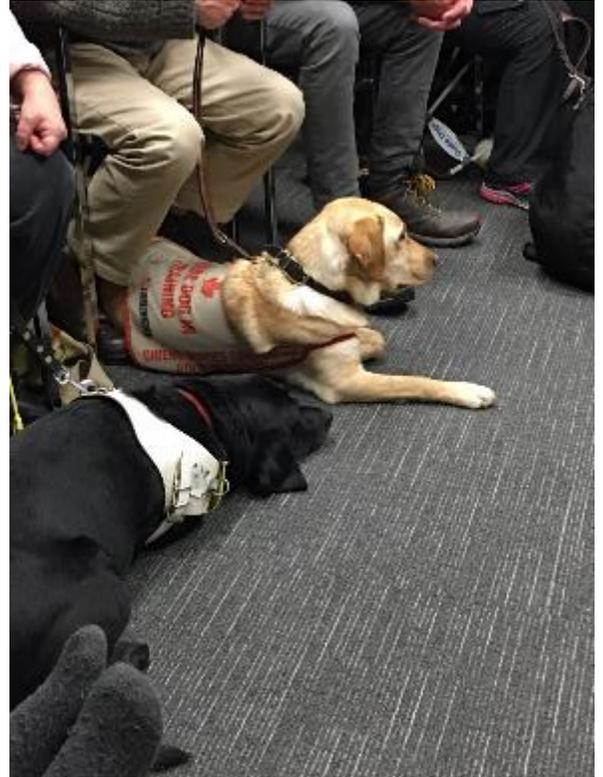
Set in the Guide Dog School for the Blind in San Rafael California, the movie chronicles the journey of each pup, three boys and two girls. As the story unfolds, it is evident that not all dogs would be destined to become guides. Just like people, each dog has his or her own personality and may be better suited for another career path.

A Descriptive Video soundtrack accompanied the movie so that those of us with low or no vision would not miss a

thing! The crucial role played by the puppy raisers was presented in great detail—a variety of people, with different lifestyles and motivations work with the dogs during this critical stage of their development. All puppy raisers possessed a genuine kindness, a willingness to provide a loving home, a desire to help others and the knowledge that one day, their puppy would leave. Some dogs had one puppy raiser while others, for various reasons, had two or three. A 'family reunion' of sorts took place as the brothers and sisters were brought together at a few months of age. The support and guidance of the school figured prominently as puppy raisers and canines alike worked hard in preparation for the important job that lay ahead. There was not a dry eye in the room as it was revealed that some puppies would

follow a different career path and would not go on to be trained as Guide Dogs.

Once returned to the school, the potential guide dogs were put through a stringent series of tests to make sure that they would succeed as Guides. The safety of the dog/handler team is of utmost importance. All of us watched in suspense as the dogs completed a rigorous set of tasks in the hopes that they would pass. More tears flowed from the audience as prospective handlers were introduced; some returning for a second, third or fourth Guide, and others, who were both new to blindness and new to life with this special four-legged friend. "Dog Day," as dog and handler meet for the first time was a poignant moment, and sure to bring back memories for the many Handlers in the room.



5Relaxing while the humans are watching the movie.

While not all the dogs in this story became guides, each found his or her perfect home. The movie ends as the circle of life begins once more as Veterinary staff welcome another litter of puppies into the world.

After the movie, memories were shared and stories were exchanged in this warm and welcoming social setting. People asked questions and exchanged tips and tricks while many of the dogs snoozed contentedly on the floor. The meeting adjourned with best wishes for a Happy Holiday and promises made to reconvene once again in early 2019.

Shelley Ann Morris

World Braille Day++

News Release, December 17, 2018:

The United Nations General Assembly has today adopted the World Blind Union's Resolution recognizing the World Braille Day.

The purpose of the World Braille Day, celebrated every January 4, is to raise awareness of the importance of braille to converting the written word to tactile form for the benefit of blind and partially sighted persons worldwide.



WBU members and partners around the world have reacted with excitement upon receiving the news. "This is a wonderful achievement especially because braille is the means of literacy for blind people. Literacy is the foundation of education and foundation of

full integration of employment' says WBU's President Dr. Fred Schroeder, from the UN Head Quarters in New York City. Watch his full remarks on WBU YouTube Channel https://www.youtube.com/watch?time_continue=29

"In United States braille has come to be recognized as an important item because if we can read and write, we can fully participate in all the activities in life that everybody else takes for granted, says Former President of the National Federation of the Blind-USA, Mr. Marc Maurer. Watch his full remarks on WBU YouTube Channel:<https://youtu.be/5YrrqwbAkIm>

From Rwanda, the WBU Second Vice President Ms. Donatilla Kanimba, said "This is a great opportunity to advocate for braille as the most important literacy tool for the blind community, especially children here in Africa who cannot pursue education because they cannot access braille for their literacy needs, she says."As the World Blind Union, we believe that reading is a human right and therefore we are grateful that the UN is recognizing

this right. We urge governments to recognize this right as well and provide braille literacy in schools".

Braille Literacy Canada Commends the United Nations adoption of World Braille Day and Canada's Accession to the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities

January 4, 2019 - Toronto - Braille Literacy Canada/Littératie braille Canada (BLC), as the Canadian braille authority, celebrates the United Nations' recent adoption of World Braille Day, recognizing it as an official day to be celebrated annually on January 4th around the world, to coincide with the birth date of Louis Braille. Official recognition of World Braille Day on the international stage brings with it a strong message to both raise awareness and celebrate the importance of braille literacy for the generations of blind people who continue to benefit from it around the globe.

"Braille represents literacy, freedom and equality for the millions of blind people who use it around the world. It is as important as print is to the sighted," explains Natalie Martiniello, president of Braille Literacy Canada. "It enables blind children to acquire literacy, raises employment and income levels, enables people who are blind to independently vote and exercise their citizenship, and to read personal and professional communications independently.



We commend the United Nations for recognizing the importance of braille by designating January 4th as World Braille Day, and we celebrate alongside Braille readers everywhere."

BLC also commends the Government of Canada which has recently announced that Canada will accede to the optional protocol to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). The UNCRPD sets guidelines to bolster the rights of persons with disabilities and calls for the abolishment of laws and practices that



perpetuate discrimination. Importantly to BLC, the treaty also affirms and reinforces the importance of equal access to information for those unable to read print, including those Canadians who are blind or who have sight loss and who use braille.

Though Canada ratified the treaty in 2010, it only recently agreed to also be bound by the Optional Protocol, allowing the UN Committee on the Rights of Persons with Disabilities to consider complaints against Canada and providing a further level of recourse at the international level for Canadians with disabilities facing discrimination.

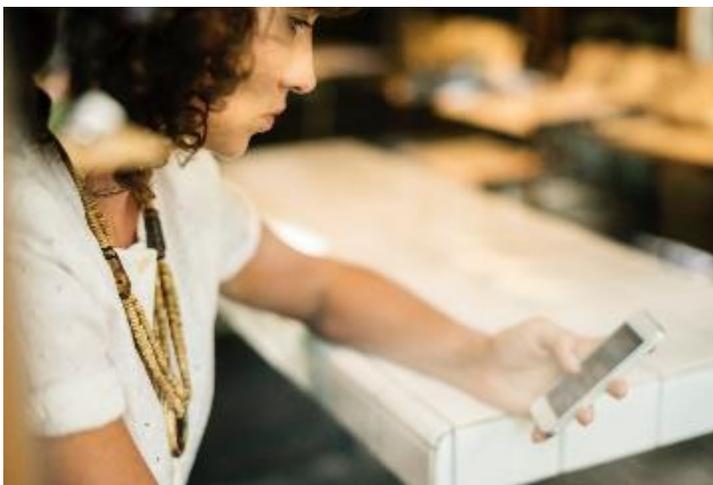
"Access to information is not a privilege, but a right," explains Martiniello. "We applaud the Government of Canada for acceding to the optional protocol. We hope that the Optional Protocol will provide an additional protective layer where gaps in accessibility remain and that the introduction of the Accessible Canada Act will usher in an era of increased accessibility."

iHabilitation.ca Offers Online Training for Voice
Over on iOS Devices++

One of the GTT Victoria members and periodic contributors, Tom Dekker wants you to know about his paid online training service now available.

Are you ready to gain greater command of your iPhone? Are you willing and able to work at it? iHabilitation Canada is very happy to announce a new iPhone instructional opportunity that will help you do just that. At the same time, you will gain experience with the latest in inclusively designed meeting and webinar platforms – a skill that offers ever-increasing educational and employment potential.

We also offer the opportunity to engage in a Structured Discovery approach to what we like to think of as touch screen O&M. That's right! Orientation and Mobility, “on screen” as with “on land”! This means that you gradually learn the location of everything you may need on an app's screens before making serious use of the app. Familiarity reduces frustration.



This is very different from the kind of iPhone Voiceover instruction where learners are simply taught a “flick-and-tap route”. They flick and tap through the steps of a task without learning much about other on-screen clues and landmarks that would otherwise provide a broader picture of the virtual environment.

Imagine the fun and benefit of transforming that sometimes seemingly endless bead flicking experience to a full-screen Mind's Eye view, independent of physical vision. Imagine whizzing around the screen with your finger just as you would with a mouse as if you could see to use one.

Find out more about iPhone Structured Discovery coaching and online multi-media learning possibilities available via Zoom Cloud Meetings! For more information, visit ihabilitation.ca/coaching

To learn more about our methodology and some of the apps and possibilities for increasing personal iPhone-based productivity in general, check out our workshop document from the 2018 CNIB National Braille and Technology conference. Ihabilitation.ca/bc2018

Sincerely,
iHabilitation partners
Tom Dekker and Ken Sudhues



New tech helps deaf-blind people 'watch' TV ++

Innovation lets these individuals know what's happening without asking for help

A TV delivers content through images and sound. But for those who cannot see or hear, watching TV is impossible without special technology.



You may enjoy TV — as do many people with hearing or visual disabilities. But those who are both deaf and blind need special help to follow along. Now an innovative technology is turning television signals into a form that deaf-blind people can understand.

Deaf people can't hear. But they can use closed captioning to read subtitles of the words spoken on TV. Blind people can't see. But they can make use of visual description in voice-over comments that describe what's happening on the TV screen. Neither method, however, works for people who are both deaf and blind. That makes it harder for them to "watch" television shows or programs.



Roughly 45,000 to 50,000 deaf-blind people live in the United States, according to the National Center on Deaf-Blindness in Monmouth, Ore. By that center's count, almost 10,000 of them are under age 22. Thousands more deaf-blind people live elsewhere around the world.

Ángel García Crespo is a computer engineer at Carlos III University of Madrid in Spain. His group has invented a new way for deaf-blind people to "watch" TV. He unveiled the technology at a conference, last year, in Aveiro, Portugal. The team went on to describe what they'd done in a paper, earlier this year.

The idea for the system grew out of previous work by García Crespo's group. The team had already worked on making audiovisual materials



accessible to people with either vision or hearing disabilities. But the group wanted to help people with both challenges. So they asked some deaf-blind people what would help.

"We heard from them that they would like to know, without intermediaries, what is said in the TV newscasts," García Crespo says. In other words, the deaf-blind people didn't want to always need someone else to tell them what was going on. That sent the team brainstorming.

Getting technologies to work together

Deaf-blind people rely on their sense of touch to communicate. One way to get info is to have someone on hand — literally. A deaf-blind person can get and give information through touch-based hand signals with another person. But it isn't always “handy” to have someone else around.

An innovative system can let deaf-blind people “watch” television in real time on their own. Audio and video information from the TV is sent to a machine called a refreshable braille display so deaf-blind people can read it with their fingers.



People who can't see can also get and send information with a braille line, better known as a refreshable braille display. The braille system uses patterns of raised dots to stand for letters and numbers. A refreshable braille display is an electronic machine with a changeable braille display. Dots or pins rise up or drop down based on electronic information sent to the machine. With such a portable device, someone who cannot see a screen can still read email or other information from a computer.

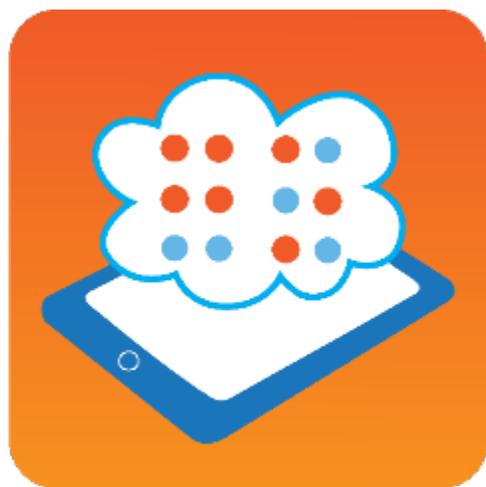
The new system converts TV signals to data that a refreshable braille display can use.

“Key to the system is the possibility of using subtitles to collect TV information,” García Crespo explains. “Subtitles travel with the image and the audio in electromagnetic waves that we do not see. But an electronic system can capture those waves. That is what we do.”

First, a computer program, or app, pulls out the subtitles and visual descriptions from the broadcast signal. The system then combines the

information and converts both into data for braille. “No one had done this before,” García Crespo notes.

Now another app gets to work. It sends the data out to people’s refreshable braille displays on demand. “This is done in real time, in less than a second,” García Crespo says. This lets a deaf-blind person “watch” TV as it is broadcast. The system will work with all types of refreshable braille displays, as long as there is a Bluetooth connection available.



GoCC4All

Currently, the system is only used in Europe. Teams need to tweak the decoding process to work with the TV signals used by broadcasters in different regions.

The Dicapta Foundation in Winter Springs, Fla., has been working with García Crespo’s team and others to make that happen. They call their project GoCC4All. Apps for Google and Apple phones are just about ready, says Lourdes Fiallos. She’s a project manager at Dicapta. Testing with deaf-blind users should start in a few weeks.

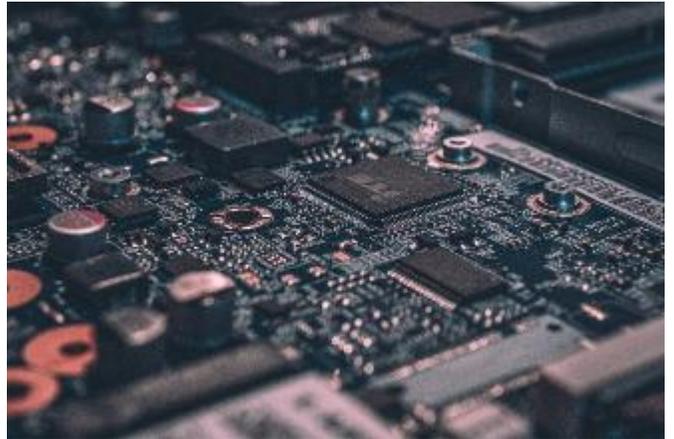
García Crespo’s team also wants to create a “universal communicator” for deaf-blind people. It would let them communicate with anyone without the need to have a human assistant present.

Javier, a deaf-blind person, talking with Angel Garcia Crespo Anindya "Bapin" Bhattacharyya is a technology-development and training specialist at the Helen Keller National Center for Deaf-Blind Youths and Adults. It's in Sands Point, N.Y. Bapin is deaf-blind himself. And he says the new technology sounds like “a great development.”

Bapin does raise a few questions. “There needs to be a menu to allow me to select a channel or show that is captioned and also has audio/visual descriptions,” he points out.

Bapin also would like a way to skip an ad. People with sight and hearing can take a break when a commercial comes on. When they hear or see that the show resumed, they can again pay attention. Deaf-blind people would like such a signal to let them know when a show resumes, he says.

Technologies to assist people with disabilities “are fantastic and give deaf-blind people access to digital info and communication,” Bapin says. However, he notes, gaps remain. Examples include self-help machines at some stores and banks. Too often the developers forget to include accessibility features.



Inventing new technologies to boost their accessibility takes work, as García Crespo’s team has learned. For instance, the TV system had to work in real time. Yet no one knew in advance which show someone might want to “watch.” To deal with that, the team has different computer processors handle each TV channel’s signal. Then one server centrally manages all of them. It collects the processed subtitles and visual descriptions and then sends them to users on demand.

Getting the whole set-up to work was tricky, but García Crespo liked the challenge.

“I like to solve problems,” he says. “If the solutions are related to technology to improve people’s lives, I like those problems better.”

By KATHIANN KOWALSKI



In the News

Works of art reimagined++

Peter Coppin remembers the discussion with a visually impaired student that helped him understand how much can be misunderstood when a person has to depend on words to understand what someone else can see.

They were talking about Italy and the student knew that Italy is shaped like a boot. But when Coppin described it as a boot with a high heel like the Three Musketeers would wear, the student laughed out loud. He had been envisioning Italy as an entirely different kind of boot shape and the idea of Italy as a Muskateer boot was comical to him.



It's these chasms in understanding that Coppin and the Art Gallery of Ontario are trying to bridge with a program that brings multisensory projects, based on works of visual art, to AGO museum tours for people in the blind and low vision community.

While in the past museums have relied heavily on audio recordings and guides to bridge that gap, new practices are being brought on board, including multisensory aids designed by graduate students at OCAD University.

"Visuals are dominant in our culture. If you are a part of society and you don't have access to visual items, then you don't have access to a lot of stuff about the culture that people who have vision have access to," says Coppin, associate professor of the inclusive design graduate program and director of the perceptual artifacts lab at OCAD University.

This year - the second year of the program - the works included four paintings: Tom Thomson's *The West Wind*, Otto Dix's *Portrait of Dr. Heinrich Stadelmann*; *La Demoiselle de magasin* by James Tissot and *Jar of Apricots* by Jean-Siméon Chardin.

In a way, it's about getting back to the roots of what museums used to be, said Melissa Smith, co-ordinator of the gallery guide, adult education officer and access to art programs for the AGO.



Early museums began as private collections, typically belonging to the wealthy, who would share art and artifacts they had purchased or collected on their travels. They were displayed in "wonder rooms." People were allowed to touch the items as part of the experience.

The AGO already offers multisensory tours for people living with vision loss, which include some works that can be touched - including the museum's large Rodin sculptures - under supervision, but providing 3-D support for works of visual arts offers the possibility of evoking more than just the sense of touch.

For months, Coppin's students grappled with the idea of how to render the terrifying look on Dr. Stadelmann's face into a tactile experience and how to communicate the cold of the water in *The West Wind*.

"We were totally drawn to this portrait; the eerie atmosphere," said student Shannon Kupfer, speaking of the Dix portrait. "I was dying to interpret it."

Dix layered paint on the doctor's eyes - they appear to bulge. He seems haunted. His hands are in fists by his sides. Kupfer and her partner, Tyson Moll, wanted viewers to feel that tension, and also feel the deep wrinkles in his face.

They made a 3-D replica of the doctor's head in polymer clay that felt cold and a bit yielding, but still firm to the touch. The eyes bulge like they do in the painting.



They sewed hair onto his head in little batches, to mimic the strokes of the paintbrush in the painting. They made the body boxy and rigid, to communicate the physical tension in the painting. They gave him a rigid collar, backed by cardboard. His fists were made of polymer clay coated in silicone.

They also made it out of products that were easy to care for - the clothes are fastened with Velcro to make it easier for curators to remove them and wash them if necessary.

They recorded an audio component - a fluent German speaker reading a passage from one of Dr. Stadelmann's writings, concerning avant-garde art in relation to what was then considered psychiatric wisdom. They included the hissing noise that used to accompany recordings played on records.

"It's not just engaging for the low-sight community, it's engaging for everyone. It's such a cool way to get kids - or anyone - more engaged with art," Kupfer said.

The problem of communicating the coldness of the water in Tom Thomson's piece was solved more simply, with a bag of blue slime. To convey the feeling of wind, the students invested in a \$20 miniature fan from Amazon.com.

"When you stand in front of this painting you can feel the strong wind because of the shape of the tree and the waves on the lake," said student Norbert Zhao.

John Rae, who lost his eyesight in his 20s and is now blind, has been on the AGO multisensory tours and experienced the works made by this year's OCAD students.

While he liked the Otto Dix sculpture, some things didn't communicate as planned. For example, without knowing anything about the painting, when Rae touched the sculpture, he thought the doctor was a boxer wearing gloves, because of the way the hands felt. "That comes from me as a sports fan," said Rae, a retired public servant and a board member of the Alliance for Equality of Blind Canadians.

Rae liked the multisensory adaptation of Jar of Apricots, by students Nikkie To and Grace Mendez. The painting is a still life that includes a jar of apricots, a glass of wine, bread and a cup of tea.



Their model included dried apricots for tasting, jarred scents including a cork soaked in wine and apricot jam with added artificial apricot scent; 3-D printed objects including a tea cup and wine glass to handle, background music from the period and others sounds - touching the wine glass triggered the sound of a liquid being poured.

While Rae believes the multisensory aids provide another tool, he thinks museums in general need to consider making more objects available for handling by the blind and vision impaired. He cited as an example ancient pottery - while a museum may have perfect examples on display, it may also have imperfect examples in storage. What would be the harm, asks Rae, in making those available to people with limited eyesight, especially since the tours happen infrequently, involve about six to 12 items, and small numbers of people?



"One can learn a fair amount from the expertise that the people who run these tours bring to the table, but there is no substitute for being able to touch," Rae said.

The challenge at the AGO, Smith said, is that in an art gallery the works tend to be flat and one-of-a-kind.

"Our conservators and curators do their utmost to ensure the objects, like sculptures, which make the most interesting objects to touch, are cared for and exhibited to support this program," Smith said.

Ian White, president of a local Toronto chapter of the Canadian Council of the Blind called the CCB Toronto Visionaries, said that while AGO tour leaders excel at describing art in a way that triggers the imagination, the multisensory tours are evocative.

"It starts a conversation about the piece, about the artist, about the history," White said. "It really allows people to engage with works that are part of our collective culture."

By Francine Kopun, The Toronto Star

Blind juror was almost rejected++

Disability advocates seek removal of courtroom barriers

A recent criminal trial at Toronto's downtown Superior Court featured what may be a first in Ontario: a blind juror.

The fact that is, if not a first, an extremely rare occurrence in Ontario underscores that much more needs to be done to remove the barriers to equal treatment in the criminal justice system, disability advocates say.

"Certainly this applies to ensuring adequate representation of persons with disabilities on juries," says Luke Reid, a lawyer with ARCH Disability Law Centre in Toronto.

The Criminal Code allows people with vision or hearing disabilities to serve on juries. However, an accused may challenge a juror's service and the Juries Act deems jurors ineligible if they have "a physical or mental disability that would seriously impair his or her ability to discharge the duties of a juror."

"However, human rights law would demand that this (or any) requirement not be interpreted in an overbroad way and that persons with disabilities have the right to the necessary accommodations," Reid wrote in email.



Juror 29743 almost didn't get picked. While there are likely numerous reasons preventing people with impaired vision from sitting on juries, there is still a "very active debate" around the ability of a "trier of fact" to see a witness's demeanour in order to assess credibility, Reid noted in an email.

"I think courts tend to err on the side of caution where the right of an accused to a fair trial is potentially at issue."



This fall, a day before jury selection in an impaired driving causing death trial, prosecutor Marnie Goldenberg told the judge she and defence lawyer Carolyn Kerr had some concerns about a prospective juror, who had shown up at the courthouse with a service dog.

Goldenberg told the judge numerous photos would be introduced during the two-week trial.

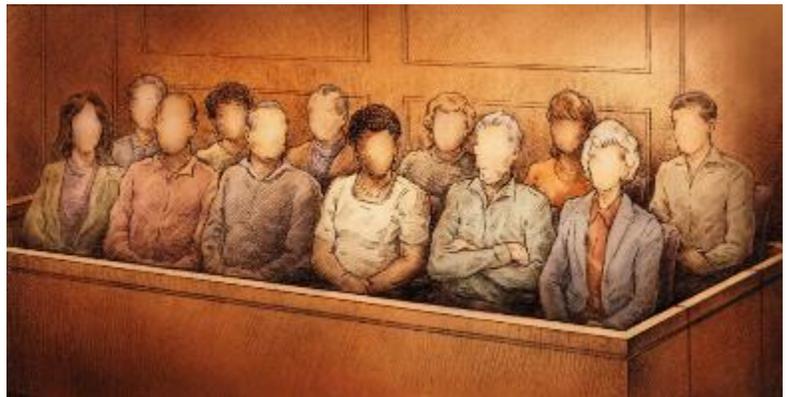
Ontario Superior Court Justice Rob Goldstein told the lawyers while it was entirely appropriate to raise the issue, he didn't intend to treat Juror 29743 any differently than other jurors.

"I think it's something we canvass and we treat her the way we treat any other juror who has a health issue," Goldstein said. The next day, after Juror 29743 entered the courtroom with her service dog, the judge asked her how she would "deal" with all the photos in the case.

"It would be through description ... I cannot see them," the woman, who works in human resources, told Goldstein.

"OK, all right, so if they are described - you can absorb what's in them?" the judge asked. She said yes.

The jury selection process continued in the normal course with two already selected jurors, designated as "triers," deciding whether or not she was an acceptable pick.



Juror 29743 said she had not heard about the case involving a man charged with impaired driving causing death on April 23, 2016, near Jane St. and Humberview Blvd. She also indicated she could consider the evidence without prejudice or bias after being told the accused was a visible minority and Muslim. Nevertheless, the triers immediately rejected her.

Goldstein, however, wasn't satisfied. He told the triers he was going to reread their instructions and asked them to consult each other again. The test to decide is if a juror would approach jury duty with an open mind and decide the case based solely on the evidence and his legal instructions, the judge told them.

This time, the triers found Juror 29743 acceptable while counsel on both sides said they were "content" with the choice. After a few days of deliberations, the jury returned to court with a guilty verdict. The Star's attempts to speak to Juror 29743 were unsuccessful.

Lawyer David Lepofsky, a retired Crown attorney who is blind and was not involved in the case, said having a blind juror not only makes the legal



system more representative of society, it makes lawyers more effective.

There's a lot of stuff that goes on in a courtroom that is visual and needs to be explained for the transcript, or audio recording, so having a blind juror will help ensure that happens, "so you get a better record, and it's better for everybody," Lepofksy said.

But there are some exceptions where a visually impaired juror might have to be excluded, he added. If, for example, the guilt or innocence of an accused is entirely based on whether a jury believes an accused looks like an assailant captured in a surveillance video.

Lepofksy, now a visiting professor at York University's Osgoode Hall law school, said traditionally, appeal courts said trial judges were in a superior position to assess the credibility of witnesses, because they, unlike appeal judges, can access demeanour.

That view has evolved, and now appeal courts are increasingly warning "it's wrong to over emphasize visual demeanour when assessing credibility." He uses himself as an example to explain how everyone has different ways of doing that.

"Sighted people use eyes. I listen to a voice ... and the whole idea of a jury is it's a bunch of different people ... pooling their different ways of assessing credibility and then voting as a group. Well, who's to say visual is the only way to do it," he said.

"Those of us who experience the world non-visually, have our own experience too."

While jurors don't have to be statistically representative of society, there is an expectation that they bring to the courtroom their own life experience, "drawn from different parts of the community, and they pool to form a collective assessment, a very difficult assessment, who to believe about what happened."

By Betsy Powell, Toronto Star



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