

NATIONAL A SUPREME ROAD SHOW

– JUSTICE ON DISPLAY IN WINNIPEG



The Supreme Court of Canada (SCC) is 144 years old. For the first time ever, it recently held hearings outside of Ottawa.

The court produces a webcast of its hearings from its location in the country's capital. So, the rest of Canada can generally access its rulings. But on September 25 and 26, the nine justices tried something new. They held two live sessions in Winnipeg.

BUILDING FAITH IN THE LAW

Chief Justice Richard Wagner said the trip exposed more Canadians to the law in action.

“It is hard to have faith in something if you don't understand it,” he said. “This is why I believe it is so important

to see how the justice system works up close and in person.”

He chose friendly Winnipeg, he said, because it is in the centre of the country. It is also a **microcosm** of Canada's diversity.

THE JUSTICES AT WORK

Crowds packed a Winnipeg courtroom. They witnessed the nine justices hearing two **appeal** cases. The first was a trial that took 42 months from the time charges were laid to the guilty verdict. The accused's lawyer argued that was too long.

His position? In 2016, the SCC ruled that **defendants** shouldn't face an unreasonable delay from the time a charge is laid to the time a verdict is reached. It also established guidelines defining a reasonable delay.

The lawyer pointed out that the judge in his client's case took nine months to issue a guilty verdict. The added time exceeded the SCC's definition of an unreasonable delay.

Now the SCC must determine whether the time a judge takes to come to a verdict must fall within their defined guidelines.

The second case concerned French-language education rights in British Columbia. The justices must decide whether the B.C. government has properly funded francophone schools in the province.

DECISION TIME

The justices usually don't issue rulings immediately. They hear arguments, then they take time to **deliberate** before handing down a decision.

DEFINITIONS

APPEAL: a process in which a decision is studied and accepted or rejected by a higher court

DEFENDANT: someone who is on trial for a crime

DELIBERATE: to think about or discuss something very carefully in order to make a decision

MICROCOSM: something (such as a place or an event) that is seen as a small version of something much larger



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Sometimes the decisions are unanimous – all the judges agree. In these situations, one justice usually writes the decision for the court.

When the justices don't agree, a majority of five or more decides how to apply and interpret the law. One judge usually writes a decision for the majority.

Another writes a **dissenting** opinion.

SCC decisions are final. They are **binding** on all other courts in Canada.

THE HUMAN SIDE OF JUDGES

On their first day in Winnipeg, each justice went to a high school to meet with students and answer questions. Later they mingled with people at the Canadian Museum of Human Rights. They answered questions from an audience of about 275.

The justices were also present for an important milestone. Indigenous Peoples can now testify in provincial courtrooms holding an eagle feather rather than by swearing on a Bible. It's part of Manitoba's reconciliation process with First Nations.

"[We recognize] that our system needs to become more inclusive,"

CANADA'S SUPREME COURT

The Supreme Court is at the top of Canada's legal system. It is made up of nine senior judges who serve until age 75. All must have been either a judge of a superior court or a member of ten years' standing of a provincial or territorial **bar association**.

The prime minister appoints SCC judges. Three must always come from Quebec to ensure Francophones are fairly treated. By tradition, three are from Ontario, two are from the Western provinces or Northern Canada, and one is from Atlantic Canada.

Canada's Supreme Court is often called the court of last resort because it can overrule all other courts and even laws that parliament makes. It is key to our democracy. Because it decides legal issues of public importance, it contributes to every branch of public law.

It's not easy to get a case before the Supreme Court. The nine justices hear 70 to 85 appeals per year, usually when crucial legal questions are in dispute. If it does not agree to hear a case, the decision of a lower court stands. If it hears a case, it can reverse or change the lower court's decision, order a new trial, or agree with the lower court's decision.

said Anita Southall, president of the Manitoba Law Society.

Chief Justice Wagner pointed out that an Indigenous judge on the Supreme Court would better reflect our society.

THAT'S A WRAP!

The visit lasted a week. While there, Chief Justice Wagner wore a Winnipeg Jets jersey and dropped the puck at a preseason NHL game.

The road trip won the SCC new fans. Still, Chief Justice Wagner said that wasn't the point.

"This is not because we want to be popular," he said. "Courts make decisions that are definitely unpopular, sometimes. We don't need Canadians to love us. But we do want you to understand us." ★

DEFINITIONS

BAR ASSOCIATION: the professional body representing lawyers

DISSENT: to disagree with the majority

BINDING: executed with proper legal authority



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ON THE LINES

Answer the following in complete sentences:

1. In which city does the Supreme Court of Canada usually sit?

2. How many judges are on this court?

3. Which parts of Canada are they from?

4. Explain the role and purpose of this court.

5. How many cases does the SCC hear each year?

6. Describe the process the SCC follows when it makes a ruling.

7. Where and when did the SCC recently hold hearings?

8. Why was this trip significant? Explain.

9. Why did the SCC undertake this trip? Explain.



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BETWEEN THE LINES

An inference is a conclusion drawn from evidence. *A plausible inference is supported by evidence in the article and is consistent with known facts outside of the article.*

What inferences can you draw from the fact that the prime minister appoints Supreme Court judges? Explain.

JUST TALK ABOUT IT

1. Consider the following statement: *“It is hard to have faith in something if you don’t understand it.”*
 - a) What is your understanding of this statement?
 - b) For what reasons do you agree with this statement? For what reasons do you disagree? Explain.
2. What new information did you learn reading this story? What connections can you make, and what questions do you have? Explain.
3. As you see it, what is the significance of this story? Explain.

ONLINE

Note: The links below are listed at www.lesplan.com/en/links for easy access.

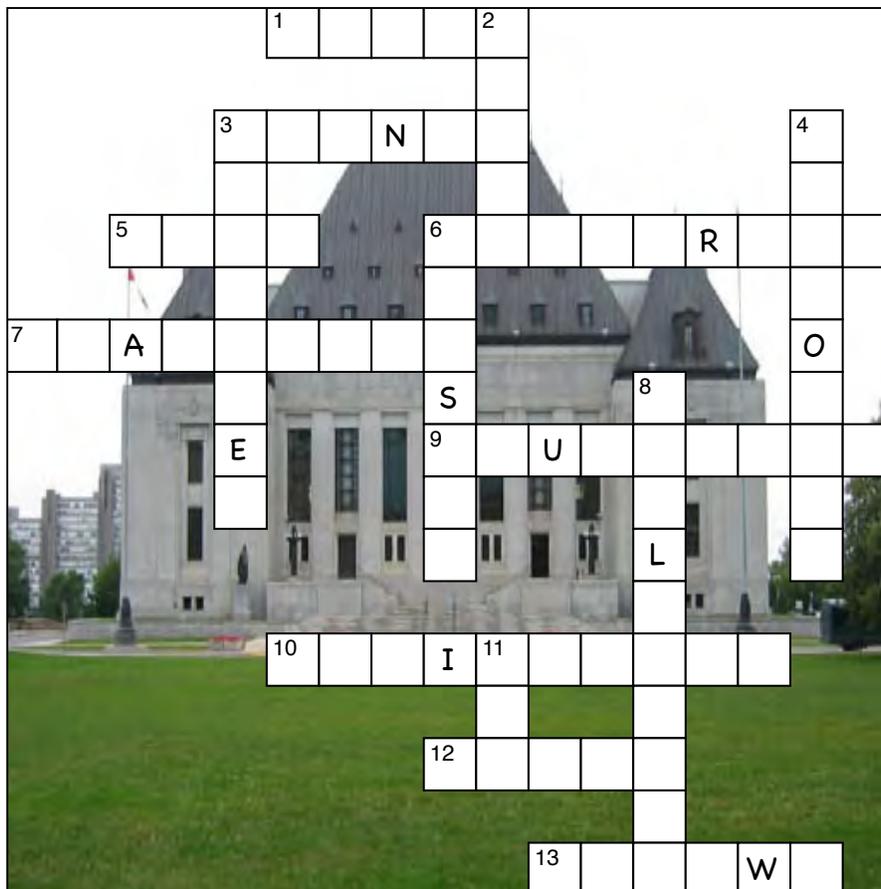
1. Watch ‘Inside the Supreme Court of Canada – The Role of the Court’ to find out more about this institution at <https://www.youtube.com/watch?v=pSRjHi8Kpc4> [3:40].
2. Watch ‘Supreme Court hears cases in Winnipeg this week in historic first’ on CBC’s The National at <https://www.youtube.com/watch?v=Cwamxo8xlmM> [1:44].
3. Visit the Supreme Court of Canada website at <https://www.scc-csc.ca/> to find out more about the court, the judges, cases, and more.
4. Find out more about Canada’s legal system at <https://thecanadaguide.com/basics/legal-system/> and <https://thecanadianencyclopedia.ca/en/article/courts-of-law>.
5. The Canadian Encyclopedia has a good explanation of the judiciary in Canada at <https://thecanadianencyclopedia.ca/en/article/judiciary>.
6. Visit the Department of Justice website at <https://www.justice.gc.ca/eng/csj-sjc/>.
7. Read about the Chief Justice of Canada at <http://www.thecourt.ca/judicial-biography-chief-justice-wagner/>.
8. Watch an interview with Chief Justice Wagner at <https://globalnews.ca/video/5939979/full-interview-with-supreme-court-of-canada-chief-justice-richard-wagner>. ★



CROSSWORD

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https://commons.wikimedia.org/wiki/Supreme_Court_of_Canada#/media/File:Supreme_Court_of_Canada.jpg

ACROSS

1. SCC = Supreme _____ of Canada
3. Chief Justice of Canada
5. number of SCC judges
6. the SCC is vital for Canada's _____
7. all in agreement
9. SCC heard an appeal about French language _____ rights in B.C.
10. when judges think about and discuss a court case
12. the _____ minister appoints SCC judges
13. SCC usually sits here

DOWN

2. number of SCC judges from Ontario
3. SCC held hearings in this Manitoba city
4. small version of something larger
6. when a judge disagrees with the majority of other judges
8. the SCC can strike down a law passed by _____
11. professional association of lawyers

