



Judges in Canada -What they do and how they do it!

An educational tool provided by the CSCJA

Teacher's Guide and lesson plan

Background and learning objectives:

Our Association has created an online video teaching tool for the public and young people living in Canada that illustrates what they are entitled to expect from Judges in Canadian Courts.

In this educational video series, we talk about principles fundamental to our Justice System; concepts such as **Judicial independence and the Rule of Law**.

Educational messages are embedded in our story about a young man, Weldon, who becomes involved in a car accident while returning his child to her mother from whom he is separated. This results in criminal charges.

The child's mother then applies to the Family Court to seek restrictions on his contact with his child.

Our narrator, The Honorable Judge Samuel Moreau of the Provincial Court of Nova Scotia, walks the viewer through our young man's story.

In a court scene, the Honorable Justice Deborah Gass of the Supreme Court of Nova Scotia (Family Division) addresses Weldon's fear about discrimination within the justice system.

The video identifies the citizen's legal entitlement to a fair hearing according to the evidence and the law regardless of race, religion, sexual orientation or cultural origin.

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| Vignette # 1: Weldon's Adventures | https://www.youtube.com/c/JudgesinCanadaLesjugesauCanada |
| Discussion points | <p>Name three things you think Weldon did wrong. <i>(Drove above the legal limit; Drove while talking on his cell phone; left the scene of an accident; Hit a pedestrian)</i></p> <p>What was Weldon afraid would happen to him if he returned to the scene of the accident?</p> <p>What were the reasons Weldon thought he would be punished and that would influence negatively his criminal and family Law process? <i>(sexual orientation, his sex, his race, his lack of power in the community)</i></p> <p>What do you think Weldon did wrong?</p> |

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| | <p>(driving while distracted, talking on his cell phone, failing to pay attention to his driving, speeding , failing to plan ahead to ensure he was on time)</p> <p>Why do you think Rosa’s mother was so angry at Weldon? <i>He has returned their daughter late more than once, when she found out about the accident she was afraid that her daughter would /could have been hurt; Weldon and she do not have a good parenting relationship)</i></p> <p>Do you think Weldon’s boyfriend was correct to encourage Weldon to go back to the scene of the accident immediately? Give reasons.</p> <p>Why did Weldon feel he had no chance?</p> <p>How did the municipal politician think he could influence the court decisions? Was he correct?</p> |
| <p>Other references and independent learning</p> | |

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| <p>Vignette # 2: What Chance Does Weldon Have in the Canadian Legal System?</p> | <p>https://www.youtube.com/c/JudgesinCanadaLesjugesauCanada</p> |
| <p>Discussion points</p> | <p>What does it mean when Judge Moreau said Judges “take an Oath” What do they promise to do?</p> <p>How do judges train to be judges? (Undergraduate, law school, practice, community work, ongoing judicial education)</p> <p>Can judges inform themselves better by reading the paper or listening to the TV or radio about a case to see what the public think? (No)</p> <p>Can they call or listen to their friends and family to better understand and be influenced about what to do? (No)</p> <p>Can a political, city councilor, mayor call them to speak to them about why the case is important and give recommendations about what they should do? (no)</p> <p>What happens if a judge makes an error by considering facts and evidence that did not come out in court? (The decision could be appealed if the error is grave enough)</p> <p>What did Weldon’s lawyer tell him about what judges could consider when deciding? (only the facts and the law)</p> |

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| Other references and independent learning | http://www.justice.gc.ca/eng/csjsj/ http://tryjudging.ca/teacher.htm |
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| Vignette # 3: Weldon at the Courthouse | https://www.youtube.com/c/JudgesinCanadaLesjugesauCanada |
| Discussion points | <p>What is the difference between how disputes used to be resolved and now?</p> <p>Can the public decide to find a person guilty and interfere with their rights without “due process” what is due Process”?</p> <p>Are there qualities you think a judge should have? What are they?</p> <p>What does it mean when Judge Moreau talked about Judicial Independence. Give examples.</p> <p>What is bias? Are you aware of your own biases? How do you deal with these biases? Does your bias affect the way you treat people?</p> <p>Does everyone have biases (what do you think?)</p> <p>What are judges told to do by the Supreme Court of Canada about their own biases.</p> |
| Other references and independent learning | http://www.cscja.ca/judges/the-role-of-the-judge/ http://www.cjc-ccm.gc.ca/cmslib/general/news_pub_judicialconduct_CJCRole_en.pdf http://tryjudging.ca/teacher.htm (Module 2 & 5) |

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| Vignette # 4: The Rule of Law | https://www.youtube.com/c/JudgesinCanadaLesjugesauCanada |
| Discussion points | <p>What did Judge Moreau mean when he said that you’ re entitled to a fair trial. Why is it so important that judges be independent?</p> <p>How does the rule of law affect you and your right to a fair trial?</p> |
| Other references and independent learning | http://www.cscja.ca/justice-system/the-rule-of-law/ http://www.cscja.ca/judges/an-independent-and-impartial-judiciary/ |