

Section 4: The Justice System

Lesson Plan 6: Federal Courts

SNAPSHOT

Grade Level	11-12
Duration	1 period

Introduction

This unit begins our examination of Canada's legal system with a review of key components and responsibilities of Canada's federal courts. The lesson will examine the function and responsibilities assigned to the various federal courts, with specific emphasis on the Supreme Court of Canada.

Objectives

By the end of this lesson, students will:

- Distinguish between the role and function of Canada's Federal Trial Court, Federal Court of Appeal and Supreme Court of Canada
- Understand the different types of disputes heard in federal courts
- Demonstrate an understanding of the citizenship process and requirements for citizenship in Canada

Focus Questions

1. What are some of the types of Federal Courts?
2. What types of cases are heard by the Federal Court, Federal Court of Appeal, Supreme Court of Canada, and Citizenship Court?
3. What is involved in the process of applying for citizenship?

Teaching Summary

Topics 1 & 2: Supreme Court of Canada & Federal Trial/Appeal Court

For this activity, students will read *Handout 1: Canada's Federal Courts* and use the information from this handout, as well as online information to answer the 10 questions

on Handout 2: Supreme Court Review and Handout 3: Supreme Court Chart. They will learn about the function and purpose of these courts and about what type of cases the courts will hear.

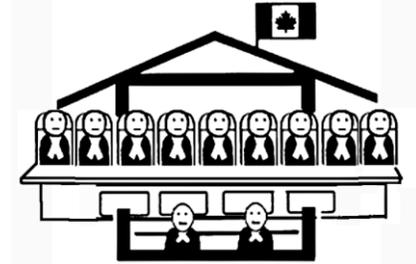
Topic 3: Citizenship Court

Students will read the information on Handout 4: Citizenship Court and then complete Handout 5: Would You Pass the Test? This will give them an overview of Canada's Citizenship Court as well as the process of applying for citizenship.

CONTENT

Topic 1: Supreme Court of Canada

The Supreme Court of Canada in Ottawa is where it all stops. It is the final court of appeal for any dispute — civil or criminal — decided in any court in Canada. The Supreme Court of Canada's origins date back to 1875; however, until 1949, it was not the 'court of last resort.' Criminal cases could be appealed to the Judicial Committee of the Privy Council of England until 1933 and civil cases until 1949.



In 1949, the court also added two judges to reach the total of nine that sit on the court now. This includes the Chief Justice of Canada and eight other judges who are appointed by the Governor in Council. These judges have practiced for 10 years or more before their appointment to the bench. By law three of the nine judges must be from Quebec and traditionally three are from Ontario, two are from the West and one is from Atlantic Canada.

It took some time for the first woman to sit on the court, but in 1982 Bertha Wilson broke the equality barrier. At present the Chief Justice of the Supreme Court is Beverly McLachlin who has resided over the court since her appointment in 2000.

It is a lawyers' court because the accused or the parties involved in the dispute hardly ever present their own cases to the court or are even present when the appeal is argued. The court does not hold trials but can hear appeals from civil, criminal or federal court cases. It has the authority to grant 'leave to appeal,' meaning that it can choose to hear a case and is not mandated by any law to hear an appeal from a superior court of a province.

The Supreme Court of Canada hears only a limited number and type of appeals. The court will normally choose to hear an appeal if the case involves an important application of the law that has national significance.

In its role as the 'court of last resort' its judgments set precedent for all of Canada's lower courts and often impact the daily lives of Canadians. Since the inception of the *Canadian Charter of Rights and Freedoms*, the role of the Supreme Court has been more important as many of its judgments impact our legal, democratic and mobility rights in addition to our freedoms.

Judgments need not be unanimous but a majority ruling is given in each case with dissenting judges also offering a judgment <http://www.scc-csc.gc.ca>.

Topic 2: Federal Trial and Appeal Courts

Federal Trial Court

The Federal Court was formerly called the Court of the Exchequer. The court has existed in some form since 1875 and came to its present form in 2003 when the two divisions of the Federal Court (the Trial Division and Appeal Division) were split in two separate courts: The Federal Court and Federal Court of Appeal.

The Federal Court hears disputes originating in judgments from:

- Civil matters involving disputes by individuals or groups with the federal government
- Disputes by provincial governments with the federal government
- Cases in specialized areas of federal law, including income tax, patents, customs, and maritime law

Like most other federal agencies, the Federal Court is based in Ottawa, but its judges travel around the country “on circuit.” At present, the Court consists of a Chief Justice and 32 other judges.

These judges are appointed by the federal government and are addressed in court as “My Lord” or “Your Lordship” or “My Lady” or “Your Ladyship”. The court does not have juries.

Federal Court of Appeal

The Federal Court of Appeal reviews decisions that have been made by the Federal Trial Court, as well as federally appointed administrative tribunals such as the Immigration Appeal Board and the National Parole Board (Canada’s System of Justice).

The Federal Trial Court hears an initial dispute, and, if either party is unhappy, the decision can be appealed to the Federal Court of Appeal. Federal Court of Appeal decisions can be appealed to the Supreme Court of Canada.

Topic 3: Citizenship Court

This is not a trial court. This court examines all applications for Canadian citizenship. Judges may interview landed immigrants who apply to become Canadians. The court holds citizenship ceremonies for new Canadians.

Applying for Citizenship

You can be born a Canadian citizen if your birthplace is Canada or if you were born outside of Canada but one or both parents are Canadian citizens.

If you were not born a citizen then you must apply for a grant of citizenship. To qualify for a grant of citizenship you must be 18 years of age, make an application for citizenship and must be a permanent resident (landed immigrant) for at least three of the last four years.

You may not apply for Canadian citizenship if you are under 18 years of age, under a probation order, a paroled inmate, inmate of any prison, jail, reformatory or penitentiary, have been charged with an offence under the *Citizenship Act* or an indictable offence or are under investigation by CSIS or the RCMP for war crimes or crimes against humanity.

A citizenship application involves filing the necessary papers, taking a citizenship test, sitting for an oral interview or citizenship hearing, attending a citizenship ceremony and taking an oath of citizenship.

Prior to 1977 Canada did not allow dual citizenship and persons from other countries either lost citizenship to their native home or were not granted Canadian citizenship. You may lose your citizenship if you renounce it formally by application, by making a fraudulent application or if you were born outside of Canada to Canadian parents after February 1977 and attained the age of 28 without making application to retain your citizenship.

For more information visit the Citizenship and Immigration Canada website at <http://www.cic.gc.ca>.

ACTIVITIES

Activity 1: Canada's Federal Courts

Provide students with *Handout 1: Canada's Federal Courts* for reading. Students will use the information from this handout to answer the questions on *Handout 2: Supreme Court Review* and *Handout 3: Supreme Court Chart*.

It is expected that students will have gaps in some knowledge and that they will have to conduct research. Direct your students to the Supreme Court of Canada website <http://www.scc-csc.gc.ca> to access information about the function and significance of the highest court. Other resources may be used as required.

To see the answer key for *Handouts 2-3*, see the Assessment section.

Activity 2: Citizenship Court

Provide students with *Handout 4: Citizenship Court*. This will give them an overview of Canada's Citizenship Court as well as the process of applying for citizenship. Next have students complete *Handout 5: Would You Pass the Test* in order to get an idea of what questions might be asked on a citizenship test.

To see the answer key for *Handout 5*, see the Assessment section.

RESOURCES

Activity 1: Canada's Federal Courts

Handout 1: Canada's Federal Courts

Handout 2: Supreme Court Review

Handout 3: Supreme Court Chart

The Supreme Court of Canada website: <http://www.scc-csc.gc.ca>

Activity 2: Citizenship Court

Handout 4: Citizenship Court

Handout 5: Would You Pass the Test?

The Citizenship and Immigration Canada website: www.cic.gc.ca

ASSESSMENT

Activity 1: Canada's Federal Courts

Handout 2: Supreme Court Review and Handout 3: Supreme Court Chart can be submitted for marks once students have completed them. The answer keys are located below.

Answer Key: Handout 2: Supreme Court Review

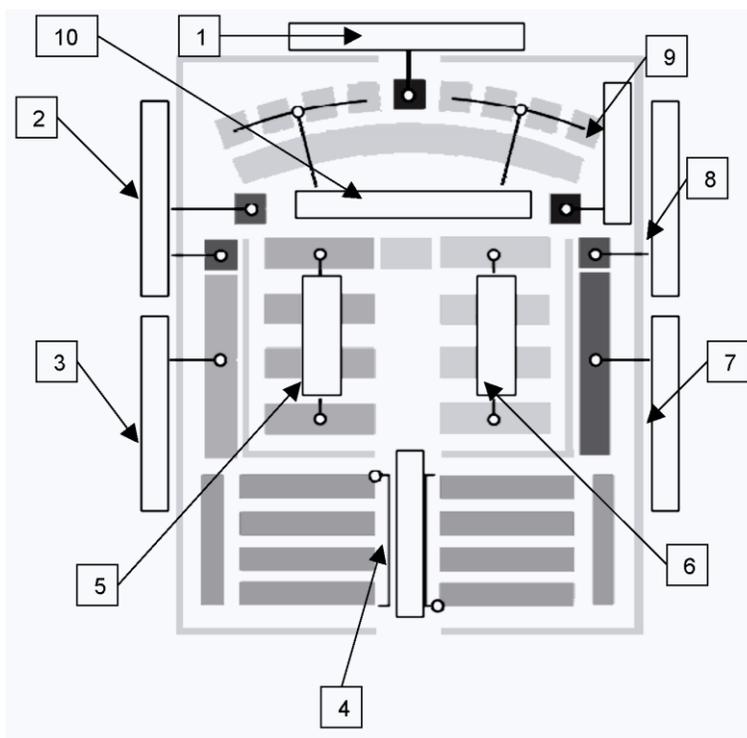
1. In what year was the Supreme Court of Canada created?
c. 1875
2. Name the first woman appointed to the Supreme Court of Canada and the year she was appointed.
a. Bertha Wilson, 1982
3. How many applications for leave to appeal does the court receive each year?
b. Between 550 and 650
4. Approximately how many appeals does the Supreme Court hear each year?
a. 80
5. What is the minimum number of judges (quorum) required to hear an appeal?
d. 5
6. Who is the current Chief Justice of Canada?
b. Beverly McLachlin
7. For many years the Court's decisions could be appealed to the Judicial Committee of the Privy Council in England, but this right was later abolished in criminal cases in 1933 and in all other cases in _____.
c. 1949
8. The majority of appeals heard at the Supreme Court come from which of the following sources?
a. Applications for leave to appeal
9. The judges of the Supreme Court are appointed by?
d. The Governor-in-Council
10. A judge appointed to the Supreme Court of Canada can serve until mandatory retirement at what age?
d. 75 years

Answer Key: Handout 3: Supreme Court Chart

Supreme Court Chart

Terms

1. Chief Justice
2. Court Attendants
3. The Media
4. The Public
5. Counsel for The Appellants
6. Counsel for The Respondents
7. Law Clerks
8. Court Attendants
9. Registry Officer
10. Puisne Judges



Activity 2: Citizenship Court

Handout 5: Would You Pass the Test? is not intended to be graded as a normal class quiz, but it does offer some review of concepts previously covered in the general course content of Social Studies 11. Use your professional judgment when considering how to assess student knowledge and participation in the quiz. The answer key is below.

Answer Key: Handout 5: Would You Pass the Test?

Aboriginal peoples

1. What are the three main groups of Aboriginal peoples?
 - a. Inuit, First Nations, Metis
2. Which Aboriginal peoples make up more than half the population of the Northwest Territories and Nunavut?
 - c. Inuit

History

1. Where did the first European settlers in Canada come from?
 - a. *France*
2. When did settlers from France first establish communities on the St. Lawrence River?
 - a. *17th century*
3. Which trade spread across Canada, making it important to the economy for over 300 years?
 - b. *Fur*

Confederation/Government

1. What is the Canadian Constitution?
 - a. *A document used to outline the powers of government.*
2. Which four provinces first formed Confederation and in what year?
 - b. *Ontario, Quebec, Nova Scotia, New Brunswick -1867*
3. When is Canada Day and what does it celebrate?
 - b. *July 1st. It celebrates our nation's birthday.*

Rights and Responsibilities

1. Name two fundamental freedoms protected by the *Canadian Charter of Rights and Freedoms*.
 - c. *Freedom of belief and freedom of speech.*
2. Name three responsibilities of citizenship.
 - c. *To obey the law, vote in elections, eliminate discrimination and racism.*
3. List three rights Canadian citizens have.
 - a. *Presumption of innocence, right to vote, right to preference for federal employment.*

Languages

1. What are the two official languages of Canada?
 - a. *English and French*
2. Which province has the most bilingual Canadians?
 - a. *Quebec*

Symbols

1. What does the Canadian flag look like?
 - a. *A maple leaf*
2. Give the first two lines of Canada's national anthem.
 - a. *O' Canada our home and native land. True patriots love by all thy sons command.*

Geography

1. What is the population of Canada?
 - a. *33,000,000*
2. What is the capital city of Canada?
 - c. *Ottawa*

ENRICHMENT

1. Research any of the following questions and prepare a short speech to present to the class. Use the Internet and type in the name of the court you are researching.
 - What is a Remand Court and what happens there?
 - What type of cases does the Federal Trial Court hear? Look up a recent decision of this court and do a summary of it and what happened in the case.
 - Is Citizenship Court the same as other courts? What are the differences? How does it function and how often is it in session?
 - How does the Supreme Court of Canada decide which cases it will accept for appeal? What is the procedure for arguing an appeal?
2. Using the Supreme Court of Canada website and other resources, research one of the Chief Justices from the court. The Chief Justice has an important role in the operation of the court and is the 'face' of the court to Canadians. Those who have served in this role have made significant contributions to jurisprudence in Canada and to society. Your report can focus on key judgments, legal precedents, biographical details or legal career.
3. Research and prepare a short speech about one of the people who work in or are involved with the court levels. Suggestions may include: justice of the peace, master, judge or justice, court clerk, Crown or defence lawyers, sheriff, family justice counsellors, probation officers, police officers, trial scheduling coordinator or tape management coordinator.
4. Take the Citizenship Test to the Streets to see how the general public responds to the questions. Keep a record of the responses and compile them in a report for your class. You may be surprised at what you find. Make sure to ask the questions of all age groups. For more information visit Citizenship and Immigration Canada's website at <http://www.cic.gc.ca>.