

## Section 4: The Justice System

### Lesson Plan 8: Supreme Court of BC

#### SNAPSHOT

<b>Grade Level</b>	8-10
<b>Duration</b>	1-2 periods

#### Introduction

This lesson will introduce students to the Supreme Court of BC, including its jurisdiction, history, and processes. This is the highest trial court in British Columbia. It hears civil cases over \$25,000, family law cases involving divorce and custody, as well as serious criminal cases. The Supreme Court also hears appeals of Provincial Court cases.

#### Objectives

Upon completion of this lesson, students will:

- Understand that the Supreme Court of BC hears serious criminal matters, civil cases over \$25,000, family law cases involving divorce and custody, as well as appeals of Provincial Court cases
- Be able to identify which types of cases would be heard in the Supreme Court of BC
- Understand the role that judges, masters and juries play in the Supreme Court of BC

#### Focus Questions

1. What authority does the Supreme Court of BC have?
2. What kinds of cases does the Supreme Court of BC hear and what are the procedures for these cases?
3. What role do judges, masters, and juries play in the Supreme Court of BC?

#### Teaching Summary

Students will learn about the Supreme Court of BC by watching an online video on the Courts of BC website [www.CourtsofBC.ca](http://www.CourtsofBC.ca).

Students will research information online in order to answer 17 questions on Handout 1: Supreme Court of BC.

Students will read the information on Handout 2: Does the Supreme Court of BC Hear This Case? and apply this information to 14 short scenarios.

## CONTENT

### Topic 1: Jurisdiction of the Court

The following information is taken from [www.SupremeCourtBC.ca](http://www.SupremeCourtBC.ca), a website that introduces people to the Supreme Court of BC.

The Supreme Court is the highest trial court in British Columbia. It hears civil cases over \$25,000, family law cases involving divorce and custody, as well as serious criminal cases. The Supreme Court also hears appeals of Provincial Court cases. There are currently about 100 justices and masters that hear cases province wide. Supreme Court orders cannot be altered by the Provincial Court. Only the Court of Appeal for BC or the Supreme Court of Canada can modify or overturn the decisions of the Supreme Court of BC.

### Topic 2: Civil Cases

The following information is taken from [www.SupremeCourtBC.ca](http://www.SupremeCourtBC.ca), a website that introduces people to the Supreme Court of BC.

Civil cases in the Supreme Court of British Columbia usually involve claims exceeding \$25,000. Claims of less than \$25,000 are heard in the Provincial Court of British Columbia. Supreme Court judges also hear cases involving civil matters such as bankruptcy, personal injury claims and contract disputes, as well as judicial reviews of administrative tribunals like the Worker's Compensation Board. Cases of libel, slander and malicious prosecution are also heard in this court.

Typically, to start a civil claim, a plaintiff or petitioner files a Notice of Civil Claim or a Petition. The defendant or respondent must then reply in order to dispute the case.

Claims at the Supreme Court may be heard by judge or jury, however most civil cases in the Supreme Court are heard by a judge alone. A jury in a civil trial has only eight members and they do not have to reach a unanimous decision, as long as 75% (or six out of eight jurors) agree on the result after at least three hours of deliberation.

In either case, judges or juries will listen to both sides, weigh the evidence, and make a decision in favour of the party who can convince the court that their side of the case is more probable. The principle behind this is known as proving your case on 'the balance of probabilities'. It is different from the type of proof required in a criminal case. If a plaintiff is the successful party in a civil trial, the judge will award damages to the plaintiff. The jury can also make decisions on the amount of damages awarded in a case. If the defendant is the successful party then the claim will be dismissed.

The Provincial Court of BC hears about half of another type of civil case: family matters. If a case deals with divorce, adoptions, or the division of family property, it would be heard in Supreme Court.

If a case involves the custody and guardianship of, or access to, or child support of children of separated parents, the case can be heard in either trial court. If it involves child protection – where the state alleges children have been neglected or abused - then the case is only heard in Provincial Court.

Very few family cases go to trial. The large majority of family disputes get resolved by an agreement between the parties often through some type of mediation service.

### **Topic 3: Criminal Cases**

The following information is taken from [www.SupremeCourtBC.ca](http://www.SupremeCourtBC.ca), a website that introduces people to the Supreme Court of BC.

Supreme Court judges hear serious criminal matters such as contempt of court, murder, manslaughter, aggravated assault, bank robbery and major drug cases.

Once a person is charged with these crimes, the case will go to trial. Supreme Court trials are by judge and a twelve-person jury, unless the accused and Crown counsel agree to a trial by judge alone.

In most criminal cases, a preliminary inquiry is held in Provincial Court before the case is heard in Supreme Court. At this time, the accused does not have to present any evidence. The Crown must prove that there is enough evidence to commit the accused to trial in Supreme Court.

To come to a decision, the court considers the evidence presented in a case, along with statute law, the Rules of Court, regulations and case law. It is very important that judges and masters follow the law as set out in previously decided cases.

The standard of proof for a criminal case is ‘beyond a reasonable doubt’, which is the required threshold the prosecution must attain in order to achieve a conviction.

### **Topic 4: Judges, Masters, and Juries**

The following information is taken from [www.CourtsofBC.ca](http://www.CourtsofBC.ca), a website that provides information on BC's Provincial Court, Supreme Court, and Court of Appeal.

#### **Judges and Juries**

If the case proceeds to the Supreme Court, the accused may be able to choose if he or she is tried by a judge alone or by a judge and jury. For murder, skyjacking, and several other serious offences, a judge and twelve-person jury hears the trial in Supreme Court

unless the accused and the Crown counsel agree to a trial by judge only. For example, in one case, where the two accused were charged with over 300 counts of murder, the parties agreed not to have a jury.

### **Judges and Masters**

The Supreme Court Act passed by the Government of BC specifies that there will be 86 judges plus the Chief Judge and Associate Chief Judge. As well, there are always a number of supernumerary or half time judges. The Supreme Court judges sit in eight judicial districts, traveling around the province on circuit through the year.

The court also employs Supreme Court Masters who deal primarily with pre-trial matters in chambers. Masters are addressed as Master before their surname (Master White) outside of court and as 'Your Honour' in court.

There are no witnesses in chambers, as all evidence is filed by using a written document called an affidavit. This affidavit sets out the evidence and is sworn to by the person who is giving that evidence. Chambers matters are much shorter than trials and usually last a few minutes to a few hours.

If you ever have to prepare for a chambers hearing in a family law matter, go to [www.CourtTips.ca](http://www.CourtTips.ca) to understand the process and to see what judges expect in your application.

## ACTIVITIES

### Activity 1: Introduction to the Supreme Court of BC

Introduce students to the Supreme Court of BC by showing them some short video segments on the [www.CourtsofBC.ca](http://www.CourtsofBC.ca).

Under the Supreme Court tab, click on “play the full length video” in order to play the six segments continuously. The six segments are: Introduction, Types of Civil Cases, Civil Cases and Jury Trials, Criminal Cases, How Supreme Court Works, and More About Supreme Court. This will also familiarize them with one of the websites they will need to navigate in the next activity.

### Activity 2: Web-Quest on the Supreme Court of BC

Provide students with *Handout 1: Supreme Court of BC*. Have students search the internet to answer the questions on this handout. Provide them with the following websites:

[www.CourtsofBC.ca](http://www.CourtsofBC.ca), a website that provides information on BCs Provincial Court, Supreme Court, and Court of Appeal.

[www.SupremeCourtBC.ca](http://www.SupremeCourtBC.ca), a website that introduces people to the Supreme Court of BC.

To see the answer key for *Handout 12*, see the Assessment section.

### Activity 3: Cases Heard by the Supreme Court of BC

Provide students with *Handout 2: Does the Supreme Court of BC Hear This Case?* Students will read the information on the cases heard at the Supreme Court of BC and use it to answer the questions at the bottom of the handout. If you are short on time, this can be given as a homework assignment.

To see the answer key for *Handout 2*, see the Assessment section.

## RESOURCES

### **Activity 1: Introduction to the Supreme Court of BC**

*Handout 1: Supreme Court of BC*

### **Activity 2: Web-Quest on the Supreme Court of BC**

*Handout 2: Does the Supreme Court of BC Hear This Case?*

## ASSESSMENT

### Activity 2: Web-quest on the Supreme Court of BC

Once students have completed *Handout 1: Supreme Court of BC*, it can be submitted for marks. The answer key is below.

Answer Key: *Handout 1: Supreme Court of BC*

1. The Supreme Court of BC hears both of these types of cases \_\_\_\_\_ and \_\_\_\_\_.  
*Criminal, Civil*
2. The Supreme Court of BC hears appeals of which court cases?  
*Provincial Court*
3. Decisions made by the Supreme Court of BC can only be modified or overturned by which two courts? \_\_\_\_\_ and \_\_\_\_\_.  
*Court of Appeal for BC, Supreme Court of Canada*
4. Only civil cases involving claims over \$ \_\_\_\_\_ go to the Supreme Court of BC  
*\$25,000*
5. Give four examples of civil cases that are dealt with by the Supreme Court of BC  
\_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_  
*Any of these would be acceptable: bankruptcy, personal injury claims and contract disputes, reviews of administrative tribunals, cases of libel, slander, malicious prosecution*
6. Usually to start a civil claim, a plaintiff or petitioner files a \_\_\_\_\_  
*Notice of Civil Claim or a Petition*
7. Are most civil cases at the Supreme Court of Canada heard by a jury or a judge alone?  
*Judge Alone*
8. In a civil trial, there are \_\_\_\_ members. They do not have to reach a unanimous decision as long as \_\_\_\_\_ agree on the result after at least three hours of deliberation.  
*8, 75% (or 6 members)*
9. In civil cases, the jury's decision favours the party who can convince the court that their side of the case is more probable. The principle behind this is known as proving your case on \_\_\_\_\_.  
*The balance of probabilities*



10. What are two types of family cases that the Supreme Court of BC would deal with? \_\_\_\_\_, \_\_\_\_\_  
*Any of these can be accepted: adoption, divorce, division of family property, custody, child support*
11. Give four examples of serious criminal matters that would be heard in the Supreme Court of BC \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
*The following answers would be acceptable: contempt of court, murder, manslaughter, aggravated assault, bank robbery, and major drug cases.*
12. How many jury members are there in a criminal trial in the Supreme Court of Canada? \_\_\_\_\_  
 12
13. In most criminal cases, a \_\_\_\_\_ is held in Provincial Court before the case is heard in Supreme Court.  
*Preliminary Inquiry*
14. For a criminal case, the standard of proof must be beyond a \_\_\_\_\_.  
*Reasonable doubt*
15. As specified by the Supreme Court Act, how many judges, not including the Chief Judge and Associate Chief Judge, are there?  
 86
16. What do Supreme Court Masters do? How are they addressed in the court? How are they addressed outside of the court?  
*They deal primarily with pre-trial matters in chambers. Masters are addressed as Master before their surname (Master White) outside of court and as 'Your Honour' in court.*
17. In Chambers, evidence is filed by using a written document called a/n \_\_\_\_\_.  
*Affidavit*

### Activity 3: Does the Supreme Court of BC Hear This Case?

Students can submit Handout 2: Does the Supreme Court of BC Hear This Case? for marking.

Answer Key: Handout 2: Does the Supreme Court of BC Hear This Case?

- John Locke decides to have a law suit for personal injuries of \$28,000.  
*Supreme Court of BC*
- Melisa George is accused of murdering her husband.  
*Supreme Court of BC*

3. Anne Bouvier is caught shoplifting.  
*Provincial Court - Criminal*
4. Mark Lennard is 17 years old and is charged with break and enter.  
*Provincial Court - Youth*
5. Sarah and Bert Smith are getting a divorce.  
*Supreme Court of BC*
6. 14-year-old Sarah Jones is charged with assault.  
*Provincial Court - Youth*
7. A couple takes the contractor of their home renovation to court for the loss of \$9,000 because the contractor did not complete the renovation.  
*Provincial Court – Small Claims*
8. Dwayne’s contractor did not complete the house the way he said he would. It will cost over \$35,000 to complete. Dwayne is suing the contractor.  
*Supreme Court of BC*
9. Jason’s neighbour damaged his fence. It cost \$1,200 to repair.  
*Provincial Court – Small Claims*
10. The jury found Susan guilty of assault causing bodily harm.  
*Supreme Court of BC*
11. Chu was charged with trafficking large quantities of controlled drugs.  
*Supreme Court of BC*

## ENRICHMENT

Provide students with fictitious cases that the Supreme Court of BC might hear. These could include civil, criminal, or family matters. Have students research what is involved in representing oneself in court. Students can use this information to write about what would be involved in taking their particular case to court.

These links to the Supreme Court BC website will be helpful for this research assignment:

- <http://supremecourtbc.ca/civil>
- <http://supremecourtbc.ca/criminal>
- <http://supremecourtbc.ca/family-law>