



Being an Active Citizen

Law, Government and Community Engagement in BC

Grade 7 Resource Package

Acknowledgments

The Justice Education Society of BC prepared this resource for educators, particularly those teaching Grade 7 Social Studies in BC schools. *Being an Active Citizen* includes materials on three important components: law, government and community engagement. The main goal of the program is for students to become more involved and active citizens in their communities. Similar resources were prepared for Grade 8, 9, 10 and 11 as part of a comprehensive program on active citizenship throughout the grades.

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Statement of Limitation

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Introduction to the Grade 7 Program

Being an Active Citizen

Learning about law, government and community engagement.

As members of societies and communities, we are connected and interdependent with each other and with the systems that govern our lives. We thus have a responsibility to be aware of our actions and the impact they have on others. We also have the power to change our social and political environment for the better by being active members of the society we live in. Being an active citizen means utilizing one's rights, responsibilities and agency through civic engagement. Civic participation can take many forms involving formal and informal forms of political and social action, be it voting in the elections or volunteering with community-based organizations. The main goal of this program is to have your students become informed and active citizens in their communities.

This program is designed to introduce students in Grades 7-11 to our legal system with a focus on student involvement and participation beyond the classroom. For teachers, this program is an exciting and engaging way to develop in students a sense of ownership in their democracy.

Being an Active Citizen can be integrated into the Social Studies curriculum. The content will help students further develop skills in critical thinking, research, debating, creative thinking, writing, developing and defending a point of view, problem solving and communicating their knowledge through active participation.

The program is divided into three units incorporating 10 lessons. The first two units, Government and Law, provide the building blocks of knowledge about our legal system. The third unit, Community Engagement, provides the glue to hold these blocks together by motivating students to share their knowledge in innovative and challenging ways with their peers and potentially with their community.

As the students participate in the program from Grade 7 to Grade 11, they will become more informed and motivated to study law in Grade 12. The ultimate goal is, that as adults, they will become

active citizens who will be able to make our communities better places in which to live.

LESSON FRAMEWORK

Each lesson contains background information for the teacher, lesson activities and extension activities which can be used to assess the students' progress. Suggestions and outlines for letter writing, orations, discussions, case studies of current events and poster presentations are included.

Overview: This is a brief paragraph that describes the purpose of the lesson that follows.

Objectives: These are statements of what students should learn in each lesson through instruction by the teacher and participation in the activities.

Basics for the Teacher: This is the background information for teachers. This information is intended for teachers to gain a general knowledge of the particular area being covered by the lesson. The basics are included at the beginning of each lesson and may include vocabulary and content knowledge.

Student Handouts: These are custom-made resources such as readings, charts and overheads that can be used by both teachers and students. These have been created specifically for each individual lesson, but can be used and adapted to any class or lessons as individual resources. Each handout will have specific instructions and information for its use.

Instructions for Teacher: These are the step-by-step lesson instructions for the teacher on the activities. Each lesson is made up of three class activities that engage students in a variety of ways. All supplementary materials are included for all aspects of the activities.

Activity Sheets: These custom sheets help engage students in the learning for each lesson. Answer keys are provided. Some activity sheets ask the students for opinion answers. You may get different answers depending on your students but an attempt has been made to give examples of what students might say.

Assessment: There is a variety of assessment tools available in each lesson. Activity sheets can be used to evaluate the students' understanding. Rubrics that can assess student performance including debate and peer/self/groups evaluation rubrics have been provided.

Extension Activities: These are bonus activities that can be used as an extra project to enrich the students' experiences with the material or as bonus work for accelerated students. These extension activities are written as instructions to students but may be used by the teacher, especially if it requires setting up court time or guest speakers for the class. The use of these extension activities is left to the teacher's discretion.

Get Involved: Ideas for community engagement.

LESSON CONTENT

Unit One ~ Government

Lesson 1: Democracy at Home and Local Governments

What is democracy? What does it mean to our every day life? What would our lives be like without it? Students will explore these questions and learn about the history of democracy in Canada. They will discuss how democracy affects their lives directly in the school community, their neighbourhood and their country. This lesson also includes an opportunity for students to look at a country that does not function under a democracy as a way to compare and contrast life as a student under a democracy or a dictatorship.

Lesson 2: Constitutional Framework: Who Has Authority

This lesson introduces students to the Constitution, both in terms of the division of powers and the *Canadian Charter of Rights and Freedoms*. Included in this lesson is a breakdown of our governments' jurisdictions and a rationale for this division of governmental responsibility. Students will consider, discuss and justify their conclusions about allocating responsibility in everyday situations before working in pairs to extend their ideas to areas of governmental responsibility.

Lesson 3: Separation of Powers and the Branches of Government

This lesson introduces students to the three branches of government: the executive, legislative, and judicial branches. Students will learn about the concept of the separation of powers and why the functions

of our government are kept separate. Students review their knowledge by playing Wordsearch and discussing the separation of powers in a school setting before playing Branches of Government Bingo using actions from each of the three branches of government.

Unit Two ~ Law

Lesson 4: Introduction to Law, Rule of Law and Legal Independence

In this lesson, students will learn about some of the fundamental legal principles on which our legal system is based and how these concepts evolved over time to influence our notions of justice. Students will discuss what laws are, why we have laws and who laws apply to before learning about the origins of laws and, in particular, how they have led to important concepts like the rule of law and judicial and lawyer independence. Students will have an opportunity to apply their understanding of the rule of law by reading an article about lawyers being able to self-regulate and drafting a hypothetical letter to the editor on whether or not that should be changed.

Lesson 5: The Canadian Charter of Rights and Freedoms

This very special document is woven into the fabric of our society. It is a part of the *Canadian Constitution* and cannot be altered by any government by itself. This lesson introduces students to each section of the *Charter* through current case studies. They can analyze and connect these studies to their own experiences and to their expectations as Canadians.

Lesson 6: Criminal and Civil Law

In this lesson, students will study the differences between criminal and civil law. They will be able to distinguish our system from what they observe on television, which frequently reflects the American system of justice – particularly in court protocol. The students will gain an understanding of how our laws work to protect our citizens and our society.

Lesson 7: Alternatives to Courts

This lesson provides a basic introduction to different methods of resolving disputes. Traditionally, the courts have been used to settle disagreements, but there are a number of other processes that may be appropriate to resolve a dispute. Lawyers engage in a wide variety of dispute resolution mechanisms to assist people, including mediation, arbitration, negotiation, collaborative law, and mandatory mediation in certain family law situations. Students will engage

in problem solving discussion and then extend their skills in an oratorical exercise using a hypothetical situation and justifying a problem solving solution.

Unit Three ~ Community Engagement

Lesson 8: Active Citizenship

This lesson helps students recognize what it means to be an active citizen and why engaging with our communities is important. Students will view examples where others have become active citizens and helped to achieve social justice. Students will also have an opportunity to complete a poster project that involves their wider school community and focuses on an issue they feel is important.

Lesson 9: Law Fair

This lesson includes a proposal for a law fair, planned by the students to showcase what they have learned about law. Using the station approach, guest classes will visit seven booths to learn about law through interactive activities.

Lesson 10: Mock Jury Selection

Mock jury selection gives the students the opportunity to select jurors for their mock trial following the procedure used in a real jury selection. At the end of the trial, the student jurors will be able to experience the serious process of deliberation, as they analyze and discuss evidence to arrive at a fair verdict.

INFORMATION FOR THE TEACHER

This unit is comprehensive and includes everything that you will need to teach all 10 lessons. Each lesson can stand on its own and can be used at any time during your teaching in the school year, but if done all together as a 10-lesson unit the lessons will give students a more well-rounded look at Canadian government, law and active citizenship. The lessons may take more than one hour to complete. Each lesson has all that you will need including overheads, instructions, basics for teachers and activity sheets. You will not need to do any outside work or research to implement any of the lessons, activities or assignments unless you want to. There are also a variety of resources provided throughout the unit that give you contact information for guest speakers and community-based citizenship groups that can give a more enriched variation to the lessons. Use these outside resources to diversify the unit and make the learning more meaningful for the students.

INTEGRATED RESOURCES PACKAGE: PRESCRIBED LEARNING OUTCOMES

This lesson aid supports the following prescribed learning outcomes from the Social Studies Grade 7 curriculum (2006).

Skills and Processes of Social Studies

- Apply critical thinking skills – including comparing, classifying, inferring, imagining, verifying, using analogies, identifying relationships, summarizing, and drawing conclusions – to a range of problems and issues.
- Use various types of graphs, tables, timelines, and maps to obtain or communicate information.
- Compile a body of information from a range of sources.
- Deliver a formal presentation on a selected issue or inquiry using two or more forms of representation.
- Defend a position on a contemporary or historical issue.

Identity, Society and Culture

- Analyse the concept of *civilization* as it applies to selected ancient cultures.
- Analyse social roles within one or more ancient civilizations.
- Identify influences and contributions of ancient societies to present-day cultures.

Governance

- Describe the evolution and purpose of rules, laws, and government in ancient civilizations.
- Assess how ancient systems of laws and government have contributed to current Canadian political and legal systems.

Economy and Technology

- Describe various ways ancient peoples exchanged goods and services.
- Assess ways technological innovations enabled ancient peoples to adapt to and modify their environments, satisfy their needs, increase exploration and trade, develop their cultures.
- Compare ancient and modern communications media.

Human and Physical Environment

- Assess how physical environments affected ancient civilizations.
- Identify the impact of human activity on physical environments in ancient civilizations.

RESOURCES

These are books and websites used to create the lessons and supplementary activities for the unit. All of them can be used by teacher or students for research, understanding and to complement projects and extension activities.

Bartlett, Bruce, Richard Craig, and Gregory Sass. *Towards Tomorrow: Canada in a Changing World: Government*. Harcourt Brace, 1989.

Blair, Annice, et al. *Law in Action: Understanding Canadian Law*. Pearson Education Canada, 2001.

Bramham, Daphne. "We Get Law, Not Justice, in the Exclusion of Women's Ski Jumping". *Vancouver Sun* 13 July 2009.

BC Dispute Resolution Office Bulletin: Dispute Resolution Terminology
<http://www.ag.gov.bc.ca/dro/publications/bulletins/terminology.htm>

BC Dispute Resolution Office Bulletin: Collaborative Law
<http://www.ag.gov.bc.ca/dro/publications/bulletins/collaborative-law.htm>

BC Dispute Resolution Office Bulletin: Notice to Mediate?(General) Regulation
<http://www.ag.gov.bc.ca/dro/publications/bulletins/general.htm>

BC Dispute Resolution Office Bulletin: Court Mediation Program
<http://www.ag.gov.bc.ca/dro/publications/bulletins/court-mediation.htm>

BC Mediator Roster Society
Created to support mediation needs in BC by maintaining a list of qualified civil and family mediators.
http://www.mediator-roster.bc.ca/public/admission/admission_family.aspx

Civic Info BC
A comprehensive information source for those who work or have an interest in BC's local government sector.
<http://www.civicinfo.bc.ca>

Court Information
Learning about the law in six languages.
<http://www.courtinformation.ca>

Courts of BC
Website and teacher's guide on the courts in BC.
<http://www.courtsofbc.ca>

Department of Justice Canada
<http://canada.justice.gc.ca/>

Gang Prevention
<http://www.gangprevention.ca>

Justice Education Society of BC
Wall Charts Series A & B can complement and

assist in the teaching of this material. Series A is particularly useful and is available in English or French and comes with a guide (in English only) if a complete series is purchased. The chart "Supreme Court Criminal Courtroom" from Series B is an excellent diagram defining the court personnel and their roles.

<http://www.JusticeEducation.ca>

Legal Quest. Justice Education Society of BC, 2001.
Legal Rights 4 U <http://www.legalrights4u.ca>

Ling, Philip. "Political Ads on Buses Okay, Supreme Court Rules". *Vancouver Sun* 11 July 2009.

McInnes, Craig. "Olympic Spotlight on Protests Part of the Price of Democracy", *Vancouver Sun* 9 July 2009.

McKnight, Peter. "Decision on TransLink ads a Victory for Freedom of Speech". *Vancouver Sun* 11 July 2009.

Metro Vancouver. "2008 Homeless Count Confirms More Homeless People On Our Streets For Longer Periods" *Media Release* 16 September 2008. Online
[http://www.metrovancouver.org/planning/homelessness/ResourcesPage/2008-09-16-2008HomelessCountFinal\[1\].pdf](http://www.metrovancouver.org/planning/homelessness/ResourcesPage/2008-09-16-2008HomelessCountFinal[1].pdf)

Ministry of Attorney General, Child Protection Mediation Program
<http://www.ag.gov.bc.ca/dro/child-protection/index.htm>

Ministry of Attorney General, Family Justice
A website providing general information about a number of issues of interest to BC couples who have separated or who are about to separate.
http://www.ag.gov.bc.ca/family-justice/options/supreme-court/mini_trial.htm

Ministry of Community and Rural Development
<http://www.cd.gov.bc.ca>

Mollard, Murray. *The Citizenship Handbook: A Guide to Democratic Rights and Responsibilities for Canadians*. BC Civil Liberties Association, 2008.

SFU Centre for Education, Law and Society
The central purpose of the Centre is to improve the legal literacy of children and young adults through a program of teaching, curriculum development, research and community initiatives.
<http://www.sfu.ca>

Union of BC Municipalities
<http://www.ubcm.ca>

YouTube
The videos used for this lesson may be downloaded free of charge.
<http://www.youtube.com/>

Lesson One: Democracy at Home and Local Governments

■ Overview

In this lesson, students will learn how the concept of democracy struggled in its early stages to evolve into the practice of democracy that exists in Canada today. In the first section, the students will explore the policy of dictatorship in another country and what that means to the citizens living there. In the second section, the students will then look at democracy in local government and in their school community. Students have an opportunity to participate in activities that will give them a clearer understanding of why democracy is the foundation of our country.

■ Objectives

Students will:

- Demonstrate a basic understanding of democracy in Canada, at the local level and in the school.
- Demonstrate a basic understanding of how local governments are created and operate.
- Apply critical thinking skills – including comparing and contrasting, identifying relationships and summarizing – to a range of problems and issues.

■ Basics for the Teacher

Vocabulary

See *Activity Sheet 1-3: Vocabulary*.

Content

The Road to Democracy

Democracy is defined as “rule by the people”. A look back at Canada’s history reveals that not all people had the freedoms and rights they are entitled to today.

The following are some of the significant dates that impeded Canada’s journey towards a true democracy:

- 1884 – *Indian Act* outlawed cultural and religious ceremonies.
- 1900 – *Dominion Elections Act* excluded minorities from voting in federal elections.
- 1908 – “No stoppage” rule required immigrants to travel directly to Canada. It was called the *Continuous Passage Act*.
- 1921 – Quebec court supported a theatre owner who refused to seat a black person in the orchestra seats.
- 1928 – Supreme Court of Canada ruled that the word “person” does not apply to women.
- 1942 – Hutterites, Doukobhors and “enemy aliens” are barred from buying land.
- 1942 – Japanese Canadians are removed from their homes and sent to detention camps during WWII.

However, the following dates are significant because they contributed to the development of democracy:

- 1918 – Women are granted the right to vote in federal elections.
- 1919 – Women are allowed to stand for Parliament.
- 1929 – Women appeal the 1928 decision that the word “person” does not apply to them to the Privy Council in England and win.
- 1934 – People who are discriminated against because of race or creed can get a court order to stop the discrimination.
- 1945 – Jews are able to buy land.
- 1949 – Asians and First Nations were granted the right to vote.
- 1947 – Saskatchewan Bill of Rights Act is the first broad human rights statute passed in Canada.
- 1950 – Supreme Court of Canada rules that Jehovah’s Witnesses can give out religious information.
- 1960 – *Canadian Bill of Rights* is introduced by Prime Minister John Diefenbaker.
- 1982 – The *Canadian Charter of Rights and Freedoms* became part of the *Canadian Constitution Act of 1982*.

The events listed above illustrate that democracy is not only defined by the right to vote but also by several other rights and freedoms.

Creation of Local Governments

Local government is the most accessible and responsive level of government. Local government can mean either municipalities or regional districts with elected councils and boards made up of citizens elected by the community. Municipalities were first formed in the 1800's and regional districts in British Columbia were more recently formed in the mid 1960's. Under the *Canadian Constitution*, local government can only be established and granted its powers by the provincial government. These powers set out the legal framework and foundation for the establishment and continuation of local governments in provincial laws called the *Local Government Act* and the *Community Charter*. There are two exceptions with the City of Vancouver getting its authority from the *Vancouver Charter* and many Island communities along the coast from the *Islands Trust Act*.

There are many other statutes that govern BC's municipalities and rural areas including *Police Act*, *Building Safety Standards Act*, *Transportation Act*, *School Act*, *Health Act*, *Fire Services Act*, *Emergency Planning Act*, *Assessment Authority Act* and *Agriculture Land Commission Act* and *Environment Management Act*. If there is a conflict between provincial and local governments with respect to laws or bylaws, the provincial law prevails in authority.

Municipalities are created when a community desires to provide and develop its own services. A municipality is created through one of the most basic processes of democracy with a community vote.

Structure and Operation of a Local Government

The basic responsibility for local government services and decisions lies with municipal councils and regional boards. Once a municipality is incorporated, the mayor and council are elected to determine its policies and oversee its responsibilities. A municipality can have four, six, eight or ten councillors depending on its population. The city of Vancouver has an eleven member council consisting of the mayor and ten councillors. Persons running for office in local government are usually not affiliated with a traditional political party. However, candidates may be members of a civic party, usually in larger urban areas, that promotes a particular political program.

The Function of Local Councils

A municipal council is responsible for adopting poli-

cies and bylaws to provide for the safety and good governance of the community. A bylaw usually begins in committee where it is debated and given three readings at a council meeting and



becomes legal when it is adopted by Council. It then becomes enforceable by the municipality and ultimately the courts unless there is a conflict at the federal or provincial level in which case the higher law prevails. Some bylaws must go to public hearing or vote before they can be adopted. These types would include land use zoning or borrowing of large sums of money for projects such as community centres, parks, roads and bridges. For example, several hearings were held concerning the redevelopment of the Lonsdale Quay in North Vancouver. Some other examples of bylaws could include dog regulations, bicycle and skate board restrictions, smoking in public places and parking permits and regulations. Still other proposed bylaws may require approval at the provincial level from Cabinet or the Minister of Community and Rural Development.

The Money: Where Does it Come From and Where Does it Go?

Revenue to provide services to a community comes from property and business taxes and grants from the provincial and federal governments. The local government also raises money through the sale of licenses and permits. The money is used to provide for or contribute to the following services: fire, police, court transportation, some public transport, roads, garbage, public health, environmental, recreational and cultural services, community services (like child care), development and planning (like zoning), land administration (like bylaws), engineering and roads, recreation and elections.

Regional Districts

Regional Districts were created in the late 1960's to provide rural residents with an effective form of local government while also representing municipal residents on regional issues. The regional districts function as a partnership of the municipalities and electoral areas within its boundaries providing coordinated services in both urban and rural areas. The services provided vary and include: fire protection and emergency programs, recreation and libraries, water supply and solid waste disposal systems. Regional districts are governed by a board consisting of electoral area directors who are elected and municipal directors who are appointed by their respective councils. The board selects its chair annually from the directors.

■ Student Handouts

Activity Sheet 1-1: Democracy at Home and at School

Activity Sheet 1-2: Democracy in Our Classroom

Activity Sheet 1-3: Vocabulary

Activity Sheet 1-4: What I Know About Local Governments

Activity Sheet 1-5: Comparing Democracy & Dictatorship

Activity Sheet 1-6: Flow Chart
(May display as an overhead as well)



■ Instructions for the Teacher

Activity 1: Democracy Within the School Community

- Begin your introduction to this lesson with the following “announcement” to the class: “Before we begin Socials today, you need to know about a change I’m making in Math. It’s now October, and I have noticed that already several of you are not completing your homework assignments and are unprepared for the weekly quizzes. So, starting with tomorrow’s homework, anyone who has not completed it will miss P.E. Also, any student not maintaining a ‘B’ average in Math will be using P.E. time to work on Math skills. This will continue until I see evidence of improvement or completion of tasks. Any questions?”
- As the discussion develops, point out to the students that the classroom can be used as a place where democratic freedom of expression can be used to voice opinions and objections to rules they see as unfair. In this case, you are deciding unilaterally what should be done about the Math issue without consulting students’ parents and administrators and without adherence to the Ministry of Education’s subject time allotments.
- Explain to the students that in many countries people cannot participate in decisions at the school, the community or the government level and that in this lesson, they will be taking a closer look at democracy in contrast to dictatorship.
- Expanding on the preceding discussion, have the students look at democracy in their classroom. Topics for discussion could include:

- When am I able to exercise the right to vote? (Answers could include student council elections, deciding on a project or field trip.)
 - Is it necessary to have rules in the classroom and school? Can we change school rules we think are unfair and how would we do that?
 - What are the roles of the principal, teachers and parents in our school?
 - Does a democracy mean that we have the freedom to do whatever we want at any time in the school setting?
- Compare this to democracy at home using *Activity Sheet 1-1: Democracy at Home and School*.
 - Hand out *Activity Sheet 1-2: Democracy in Our Classroom* and discuss the results. *Democracy in Our Classroom* has no answer key. This is a spontaneous survey.

Activity 2: A Closer Look at Local Government

- Distribute and discuss *Activity Sheet 1-3: Vocabulary*.
- Using the information on local government, write notes on the board for students to copy. Write down the mayor of your community and the civic party (if any) to which he or she belongs.
- Make a list with the students of bylaws that particularly affect them, such as noise, bicycle regulations, pet licensing and parking.

- Use *Activity Sheet 1-4: What I Know About the Local Governments* to review what the students have learned from the lesson. Mark in class.

Activity 3: Comparing Democracy & Dictatorship

- Review *Activity Sheet 1-3: Vocabulary*.
- On the board write the words “democracy” and “dictatorship”.
- Ask the students to look back at their vocabulary list *Activity Sheet 1-3* to locate the definitions.
- Hand out *Activity Sheet 1-5: Comparing Democracy & Dictatorship* and have the students add their ideas.
- To conclude the linkage between democracy and the voting process, present the following flow chart on an overhead (*Activity Sheet 1-6: Flow Chart*) or as a handout.

Assessment

Use *Activity Sheet 1-4: What I Know About Local Governments* and *Activity Sheet 1-5: Comparing Democracy & Dictatorship* for assessment.



Extension Activities

Mini Debate

Divide the class into four groups of six students. Brainstorm on the board to decide issues that involve local government.

Some examples are:

- Local governments should have better bylaws to control littering and pollution.
- The bylaw concerning noise in our community is too strict / not strict enough.
- Closing roads to accommodate special events like the Olympics.

Each group picks a topic it wants to debate. Allow for some library time for research.

Groups should come up with at least three reasons per side. Groups will present their positions to the rest of the class.

Get Involved

A Day In The Life Of...

After you have learned about your local government, write to your mayor or councillors. Invite them to visit your class and speak about their typical day. You should be prepared to ask them specific questions. For example your mayor may have another job as well as that of mayor, so you might ask how he manages to do both jobs. Or you may want him or her to discuss a current issue. For example, if you live in Vancouver, the decision to close one lane of the Burrard Street Bridge to cars to accommodate bicycle traffic may be of interest.

Activity Sheet 1-1: Democracy at Home and at School

Lesson One

Name: _____ Date: _____

What do you think democracy is about?

Check the dictionary and write a definition in your own words.

What does democracy look like for you at home? Give 3 examples.

1. _____

your responsibility _____

2. _____

your responsibility _____

3. _____

your responsibility _____

What does democracy look like for you at school? Give 3 examples.

1. _____

your responsibility _____

2. _____

your responsibility _____

3. _____

your responsibility _____

What does democracy mean to you?

Activity Sheet 1-2: Democracy in Our Classroom

Lesson One

Name: _____ Date: _____

Here are some of the decisions that are made in our classroom.

On a scale of 1 (not involved) to 5 (very involved) rate your participation.

- | | | | | | |
|---|---|---|---|---|---|
| a. Where we go on field trips | 1 | 2 | 3 | 4 | 5 |
| b. When report cards are sent home | 1 | 2 | 3 | 4 | 5 |
| c. When homework is due | 1 | 2 | 3 | 4 | 5 |
| d. School rules | 1 | 2 | 3 | 4 | 5 |
| e. Class rules | 1 | 2 | 3 | 4 | 5 |
| f. The criteria used to assess projects | 1 | 2 | 3 | 4 | 5 |



Name 2 other decisions you think you'd like to be a part of in your classroom.

Activity Sheet 1-3: Vocabulary

Lesson One

Name: _____ Date: _____

Bylaw: A law that deals with local issues and is passed by local governments.

Civic Party: A party that is formed and supported by local groups.

Councillor: A person elected to serve in the local government.

Democracy: The system in which people can freely elect government representatives.

Dictatorship: A society in which citizens have no right to vote and the power is in the hands of one person.

Local Government: Elected representatives who decide local issues for their community.

Mayor: A person elected by the people to lead the local government council.

Regional District: A body made up of elected directors from both unincorporated rural areas of the province and municipalities to provide and coordinate services in both urban and rural areas.

Activity Sheet 1-4: What I Know About Local Governments

Lesson One

Name: _____ Date: _____

A. Write true or false after each statement.

1. A local government consists of a mayor and councillors who are appointed by the provincial government. _____
2. If there is a conflict between a municipal bylaw and a provincial law, the provincial law must prevail. _____
3. A person running for election to a municipal council may be a member of a civic party. _____
4. The local government is responsible for rezoning of land. _____
5. If you wanted a permit to build an extension on your house, you would apply to our local government. _____

B. Vocabulary – Match the definition with the correct word.

(councillor, mayor, bylaw, provincial, regional district)

1. The person who leads the Council of a local government. _____
2. A law based on the policies developed by the local government. _____
3. A regional body created to coordinate the provision of local services in urban and rural areas. _____
4. A person who is elected to a local government. _____
5. The level of government that provides for the creation of a local government. _____

The mayor in my community is _____

A bylaw that affects me is _____ because

_____.

Activity Sheet 1-4: What I Know About Local Governments

Lesson One

KEY

A. Write true or false after each statement

1. A local government consists of a mayor and councillors who are appointed by the provincial government. **False (members elected by the people)**
2. If there is a conflict between a municipal bylaw and a provincial law, the provincial law must prevail. **True**
3. A person running for election to a municipal council may be a member of a civic party. **True (but it is possible to be independent of any political party)**
4. The local government is responsible for rezoning of land. **True**
5. If you wanted a permit to build an extension on your house, you would apply to your local government. **True**

B. Vocabulary – Match the definition with the correct word.

(councillor, mayor, bylaw, provincial, regional district)

1. The person who leads the Council of a local government. **mayor**
2. A law based on the policies developed by the local government. **bylaw**
3. A regional body created to coordinate the provision of local services in urban and rural areas. **regional district**
4. A person who is elected to a local government. **councillor**
5. The level of government that provides for the creation of a local government. **provincial**

The mayor of my community is _____.
(answers will vary)

A bylaw that affects me is _____ because _____.
(answers will vary)

Activity Sheet 1-5: Comparing Democracy & Dictatorship

Lesson One

Name: _____ Date: _____

Look at the information below. Now imagine that you are going to spend a year in Myanmar which is a military dictatorship. What do you think would be different about your school experience there compared to your school here? Add your ideas to the lists.

CANADA

- Canadians have the right to vote and have a choice of several candidates from different parties.
- Canadians travel freely around the world.
- Canadians have access to different sources of information.

MYANMAR

- Myanmar people do not have the right to vote until 2010 when the new constitution comes into effect.
- Myanmar people are restricted in travelling to other countries.
- Myanmar press and other mass media such as the internet are controlled and censored by the government.

Activity Sheet 1-6: Flow Chart

Lesson One



As Youths In Grades 4-7 You Vote For:

- Field trips
- Student council
- Class rules

As Adults, You Vote For:

- Local government (mayors, councillors)
- Issues that affect your community

Voters Also Elect:

- Candidates in the provincial and federal governments

Lesson 2: Constitutional Framework: Who Has Authority?

■ Overview

This lesson explores Canada's constitutional framework, what it is and how it came to be. Students will learn about the areas of jurisdiction carved out under a federalist state. Through this knowledge students will be able to participate in an exercise that questions which level of government has stronger authority over certain classes of subjects.

■ Objectives

Students will:

- Demonstrate a basic understanding of the Canadian Constitution.
- Demonstrate a basic understanding of the *Canadian Charter of Rights and Freedoms*.
- Identify the division of powers and recognize its impact on Canadians.

Focus Questions:

- What is a constitution? What are some defining features of the Canadian Constitution?
- Where did Canada's Constitution come from?
- What is the *Canadian Charter of Rights and Freedoms*?
- Why does our government divide its powers between the federal and provincial governments?

■ Basics for the Teacher

Vocabulary

Constitution: The set of rules a country uses to define government powers and the rights of citizens.

Canadian Charter of Rights and Freedoms: The constitution's list of Canadians' fundamental freedoms and most important rights.

Federalism: A government's political power is divided between a central authority and smaller units like provinces or states.

Jurisdiction: The official power to govern and make laws.

Division of Powers: A system where the federal and provincial governments can make laws regarding a particular subject only if the government is authorized to do so by the Constitution.

Content

See the basic content for this lesson in *Activity Sheet 2-1: Constitutional Framework*.

■ Student Handouts

Activity Sheet 2-1: Constitutional Framework

Activity Sheet 2-2: What did I learn?

Activity Sheet 2-3: You be the Judge!

■ Instructions for the Teacher

Activity 1: Division of Labour Discussion

- Tell the students the following: "Imagine you have a brother or sister. Your parents have a number of chores around the house that need to be done and it is up to you and your sibling to complete these chores. To make things clearer for you, your parents have written this division of the chores in a document. For each chore you do, you get paid one dollar. You have been assigned any chores relating to clearing and setting the table, emptying wastebaskets, basic yard work, ironing and picking up dirty clothes; while your sibling has been assigned chores relating to cooking and preparing food, recycling, operating major appliances and straightening the rooms." (Create a list on the board or overhead projector of the student

suggestions for each chore.) Inviting students to brainstorm, state, “The problem is as follows.”

“Which of you is responsible for taking out the garbage? Why?”

(You: empty wastebaskets. Sibling: recycling)

“Which of you should have to do the laundry? Why?”

(You: Ironing, picking up dirty clothes. Sibling: operating major appliances)

“Which of you will have to mow the lawn? Why?”

(You: basic yard work. Sibling: operating major appliances)

“Which of you should do the dishes? Why?”

(You: clearing and setting the table. Sibling: cooking and preparing food.)

“Which of you is responsible for making the beds? Why?”

(You: picking up dirty clothes. Sibling: straightening the rooms)

- Explain to the students that the exercise they just went through in defining who has responsibility for certain tasks around the house is similar to what our governments do. Under our Constitution, our governments exercise their powers in certain areas for the benefit of the people under its care.
- Distribute *Activity Sheet 2-1: Constitutional Framework* to students and select students to read it out loud. Give out *Activity Sheet 2-2: What did I learn?* for take home quiz.

**Activity 2: “You be the Judge”:
Identifying Federal and Provincial
Governmental Jurisdiction.**

- Advise students they will now have an opportunity to put themselves in the courts’ shoes to try and figure out which level of government has jurisdiction in certain cases. Have students brainstorm areas they think would be important for the federal government to be responsible for and not a provincial government (put all answers on the board and have each student justify why he or she thinks it should be an area of federal

responsibility, without confirming or denying suggestions).

Some more obvious examples might include: defence, banking or criminal law. Then explain that there are some subjects that are of such national importance that they are best dealt with by the federal government.

Now do the same brainstorming for the provincial government. Examples might include: hospitals, social services or natural resources. Then explain that each province has its own unique needs and resources thus there are some subjects that are more effectively dealt with by a provincial government.

- Have students get into groups of two. Hand out *Activity Sheet 2-3: You be the Judge* and read the sheet up to the section with the hypothetical scenarios. Ask students to work in pairs to hand in their responses to each of the hypothetical scenarios. Each scenario must answer the three questions provided.
- After students have finished the activity sheet, ask students if they can give a real life consequence of the division of powers. If they have difficulty, pose the following scenario: Assume that under the division of powers, the provincial governments have jurisdiction over daycare for children. What is the practical result of each province having control over how daycares are governed?

(Answers may vary. One province might have a great daycare system that is cheap and widely available because it is subsidized and supported by the provincial government. However, in another province, daycare might be really expensive and there might be long waiting lists to get into the daycare. The end result might be that people move out of one province to go live in another province. If people move out of the province, this could impact it’s economy and standard of living.)

Explain to students that the division of powers does, therefore, have a real-life impact on peoples’ lives.

■ Assessment

Use *Activity Sheet 2-3: You be the Judge* and student responses to questions regarding key concepts during discussions.

■ Extension Activities

1. Go to the Supreme Court of Canada's Judgment website (<http://scc.lexum.umontreal.ca/en/index.html>) and use the search function for an interesting federalism case that discusses overlapping jurisdiction between the federal and provincial governments. Paraphrase what the case was about, what the court decided and the court's reasons for its decision.
2. Create a two-column chart, with arguments for Canada remaining a federalist state on one side and arguments against Canada remaining a federalist state on the other side. Think about the role of democracy and the constitution when formulating your arguments.

Answers may vary but may include the following.

FOR federalism: it allows for unique and creative methods for tackling social, economic

and political problems in the regions; it is good for democracy in the sense that the government is attentive to the needs of its people, especially provinces that are further away from central government such as BC and Alberta and unique provinces like Quebec; it does not encourage central government dominance since the provinces may be governed by different political parties to the central government.

AGAINST federalism: it can lead to inequality (especially of wealth or prosperity) between the provinces whereby poorer provinces have a harder time keeping trained professionals and residents and may thereby increase tensions between provinces; some regions may feel neglected because they have fewer representatives in the House of Commons as a result of having smaller populations than provinces like Ontario; it can lead to overlapping and inconsistency of policies in different parts of the country, for example in relation to education, trade or employment.

■ Get Involved

Visit your community's city hall and talk to a supervisor in bylaws or zoning to find out what types of current issues may be shared areas of responsibility with the provincial government. Report back to your class on what you found out.

Activity Sheet 2-1: Constitutional Framework

Lesson Two

Name: _____ Date: _____

A Federal System of Government



Before Canada ever became “Canada”, it was inhabited by Aboriginal peoples and British and French settlers. Conflicts between the French and English resulted in the “Seven Years War”, in which General Wolfe defeated the French at the Plains of Abraham and the colonies came under British rule.

When Canada became a nation in 1867, joining the four colonies of British North America (Ontario, Quebec, Nova Scotia and New Brunswick), it needed to figure out a way to unify itself and bring all aspects of the country under one general government. Because of the different cultures, customs and settlement histories that existed in each region, each province needed to be able to address its unique issues. The Fathers of Confederation decided on a federal system of government in order to provide for the different needs of the provinces as well as the common needs of the nation as a whole.

Federalism or a “federal state” is where the government is divided between a central authority and smaller units like provinces or states. In Canada’s case, political power is divided between three levels: the federal government, provincial governments and local governments.

Canada’s Constitution

The primary function of government is to ensure the well-being of its nation and citizens. *The set of rules that a country uses to define government powers and the rights of citizens is a **constitution**.*

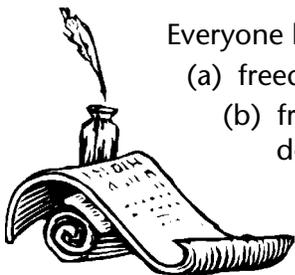
Although Canada was a nation in 1867, our laws were still subject to review by Britain. From 1867 to 1982, the *British North America Act, 1867* (later renamed the *Constitution Act, 1867*) was the central document of Canada’s constitution. *The BNA Act covered the structure of the three branches of government and the sharing of powers between the federal and provincial governments.* You can think of the constitution like that document your parents wrote up in the imaginary scenario we just did with chores. Up until 1982, civil liberties or freedoms were not specifically set out in the constitution, but instead were unwritten and interpreted by the courts.

In 1982, Canada achieved the ability to govern itself when the *Canada Act, 1982* was passed (previously, Britain had the power to legislate for Canada). The *Canada Act, 1982* brought together the *BNA Act* and the *Constitution Act, 1982*. The *Constitution Act, 1982* is the part of our constitution that contains the **Canadian Charter of Rights and Freedoms**.

In summary, Canada’s constitution is the highest law of the country. It divides political and law-making power (this official power to govern and make laws is called **jurisdiction**) between the federal and provincial governments in regards to different subjects like fisheries and transportation. The constitution also includes the *Canadian Charter of Rights and Freedoms*.

The Canadian Charter of Rights and Freedoms

The *Charter* identifies Canadian's fundamental freedoms and most important rights. It creates standards for how government agencies must treat us as citizens. The *Charter* also creates limits on the power of government to interfere with citizens' most important rights and freedoms.



Everyone has the following fundamental freedoms:

- (a) freedom of conscience and religion;
- (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- (c) freedom of peaceful assembly; and
- (d) freedom of association.

[Source: <http://www.canlii.org/en/ca/const/const1982.html#1>]

Other important *Charter* freedoms and rights include "Democratic Rights," such as the right to vote; "Mobility Rights," such as the right to enter, leave, live and work in any part of Canada; "Legal Rights," such as the right to life, liberty and security of person, the right to be free from unreasonable search and seizure, the right not to be arbitrarily detained or imprisoned, right to legal counsel on arrest; and "Equality Rights," such as the right to equal benefit and protection of the law without discrimination. It is important to remember though, that the **Charter** applies only to the laws, programs and actions of governments and not the actions of private sector/non-government organizations or employers.

Division of Powers

The federal and provincial governments can make laws regarding a particular subject only if the government is authorized to do so by the Constitution. Both governments have equal status in the sense that the federal government cannot make laws dealing with subjects that the provincial government has jurisdiction over. Conversely, the provincial governments cannot make laws dealing with subjects that the federal government has jurisdiction over.

*This system is known as the **division of powers**. Neither government can make laws dealing with subjects the other government has power over.*

Sometimes, provincial governments delegate some of their powers to local governments (both municipalities and regional districts). While each level of government has powers over certain issues, they also sometimes have overlapping jurisdiction and share powers over certain issues like the regulation of the environment and transportation. If you think about the exercise on chores again, the idea of jurisdiction and each person having his or her own sphere of responsibility was something you tried to sort out. You may have come to the realization that certain chores might clearly belong to one person and not another, but sometimes both of you could be in charge of the same chore, depending on how you think about the chore. This is the same principle applied to the division of powers of government.

Nevertheless, all citizens are subject to the laws of the federal government. They must also obey the laws of the province or territory and local governments in which they live or visit.

Activity Sheet 2-2: What did I learn?

Lesson Two

Name: _____ Date: _____

Use *Activity Sheet 2-1: Constitutional Framework* to help you complete this take home quiz.

1. What is federalism or a federal state?

2. What is a constitution?

3. What important document does the Canadian Constitution contain?

4. True or False

- _____ Canada became a nation in 1967.
- _____ The official power to govern and make laws is called jurisdiction.
- _____ The *Charter* contains the rights and freedoms.
- _____ There is no division of powers in Canada.
- _____ The provincial and federal governments share powers sometimes.
- _____ The federal government can make laws about subjects the provincial government has jurisdiction over.

5. Name one important freedom in the *Charter*.

Activity Sheet 2-2: What did I learn?

Lesson Two

KEY

Name: _____ Date: _____

Use *Activity Sheet 2-1: Constitutional Framework* to help you complete this take home quiz.

1. What is federalism or a federal state?
It is where the government is divided between a central authority and smaller units like provinces or states.
2. What is a constitution?
A set of rules that a country uses to define government powers and rights of citizens.
3. What important document does the Canadian Constitution contain?
Canadian Charter of Rights and Freedoms.
4. True or False
 F Canada became a nation in 1967.
 T The official power to govern and make laws is called jurisdiction.
 T The *Charter* contains the rights and freedoms.
 F There is no division of powers in Canada.
 T The provincial and federal governments share powers sometimes.
 F The federal government can make laws about subjects the provincial government has jurisdiction over.
5. Name one important freedom in the *Charter*.
Freedom of conscience and religion, freedom of thought, belief, opinion and expression, including freedom of press and other media of communication, freedom of peaceful assembly and freedom of association.

Activity Sheet 2-3: You be the Judge!

Lesson Two



Name: _____ Date: _____

The *Constitution Act, 1867* divided legislative power in Canada between the federal government and the provincial governments. Those matters about which only the federal government could pass laws were listed in section 91 of the *Act*. The matters of provincial responsibility are set out in section 92.

Assignment

Disputes have often arisen in Canadian history over whether the federal government or provincial governments should have the authority to make certain kinds of laws. Review the situations below and decide which topic each falls under. Is it possible that both levels of government would be interested and who do you think will claim authority to make this law?

Government Responsibilities ¹	
Federal Section 91	Provincial Section 92
National defense	Education
Foreign diplomacy	Health services
International trade	Some natural resources
Aboriginal affairs	Charities
Postal service	Licences
Banking system	Highways
Marriage and divorce	Provincial court system
Criminal law	Provincial police/prisons
Weights and measures	Solemnization of marriage
Regulation of trade and commerce	Administration of Justice

¹ Adapted from *Citizenship Issues and Action*, Pearson Education Canada, 2000

Situations²

1. The Saskatchewan government wants to pass a law stating that all grain sold in that province must be measured in pounds and ounces rather than by bushels or kilograms.

2. The federal government, in an effort to cut down on gun crimes, passes a law that requires holders of all firearms to obtain licenses and register their guns.

3. The federal government wants to make a law declaring that no marriage shall be valid until both the bride and the groom have said the words, "I promise to be faithful to the laws of Canada and to you."

4. The government of Nova Scotia decides that it wants to keep records of all people involved in court cases in that province. It wants to pass a law that makes it mandatory for all participants in a court case to fill out a questionnaire stating their age, sex and occupation, and impose a \$50 fine for failure to fill out the form.

² Adapted from *Towards Tomorrow, Canada in a Changing World: Government, Teacher's Guide*, 1989.

Lesson 3: Separation of Powers and the Branches of Government

■ Overview

Building on the students' prior knowledge of the government, this lesson explores how the functions of our government are separated and why they are separated. The three branches of government, under the constitutional principle of separation of powers, are the executive, the legislative and the judicial branches. Through this knowledge students will be able to participate in an exercise that requires them to apply their understanding of the functions of each branch of government.

■ Objectives

Students will:

- Identify separation of powers and recognize their impact upon Canadians.

Focus Questions:

- How are the functions of our government separated?
- Why are the functions of our government separated?
- What is each branch of government responsible for?
- What are the stages of passing a bill into law?

■ Basics for the Teacher

Vocabulary

Separation of Powers: A principle requiring that legislative, executive and judicial power not be wholly given to a single individual or single body.

Executive Branch: The branch of government that makes and applies government decisions and consists of the Governor General, Prime Minister, Cabinet, and Public Service.

Legislative Branch: The branch of government that debates, makes and changes laws and consists of the House of Commons and the Senate.

Judicial Branch: The branch of government that interprets and applies the laws to everyday situations of Canadians in individual cases. The judicial branch of government are the courts and judges of these courts.

Prime Minister: Head of the Canadian government and the leader of the Cabinet. He or she is elected by the people and is the leader of the party with the most elected representatives in the House of Commons.

Cabinet: A smaller group of elected representatives selected by the Prime Minister from his or her party to decide on government policy.

Public Service: Government employees in a department or ministry who help develop and implement laws passed by Parliament or a provincial legislature.

Governor General: The Queen of England's representative in Canada who signs bills passed by parliament but traditionally does not interfere in the political process.

House of Commons: The democratically elected body comprised of the governing party and opposition parties that discusses national issues and decides on legislation affecting almost every aspect of Canadians' lives.

Senate: People appointed by Prime Ministers to review bills passed by the House of Commons and thus give a final check or "sober second thought" on decisions made by the Commons.

First Reading: The stage of passing a bill where the bill is formally read for the first time.

Second Reading: The stage of passing a bill where the bill is debated by Members of Parliament (MPs).

Third Reading: The stage of passing a bill where MPs debate and vote on the bill.

Committee Stage: The stage of passing a bill where the bill goes to a standing committee and committee members study the bill clause by clause.

Royal Assent: The stage of passing a bill where the Queen, through her representative (the Governor General) grants approval for the bill.

Supreme Court of Canada: The highest and final court of appeal in Canada.

Content

See *Activity Sheet 3-1: Branches of Government* for the basic content for this lesson.

■ Student Handouts

Activity Sheet 3-1: Branches of Government

Activity Sheet 3-2: Branches of Government Word Search

Activity Sheet 3-3: Branches of Government Bingo

■ Instructions for the Teacher

Activity 1: Word Search

- Assign *Activity Sheet 3-1: Branches of Government* for homework pre-reading. The text in italics refers to the definitions of the words in bold.
- Describe the following to your students: Think of the government like a school. There are those who run and control the school (principal). Imagine the principal says, “Many schools these days are clamping down on students use of iPods and cellphones during school hours. I think it’s a good idea to do the same at our school: there should be a new school rule that forbids students from using electronic devices during school hours”. The principal’s idea then goes to an internal school committee made up of administrators who review all new school rule proposals. The committee meets, discusses the new rule and agrees the new rule should be passed. After the new rule is passed, one of the teachers informs his class that the rule applies during his class except when the lesson is finished and there is a minute or two of “free time” at the end. In that case, he believes it is alright to listen to an iPod.

As a student in this case, your life is directly impacted by the creation of this rule. From the principal’s perspective, the rule may be necessary or desirable to maintain order in the school.

- What would be the result if the principal had the power to come up with a rule, pass the rule, interpret how the rule will be applied and enforce the rule? There could be an abuse of power, which may end up in the absence of liberty for students – they would not have any say in the rule and

would not be able to do anything about it, even if the rule is completely unfair or brutal.

- Explain to the students that the exercise of this idea of having different bodies provide checks and balances on the power of a single individual is similar to our government. Our government is divided into three branches, each of whom exercises its own sphere of power. The principal would be like the executive branch of our government, the internal school committee would be like the legislative branch and the teachers would be interpreting the school rules like the judicial branch of government does with laws.
- Distribute *Activity Sheet 3-2: Branches of Government Word Search* to review homework readings. Allow students a brief amount of time to try to complete the Activity Sheet and then read the questions out loud, asking students to provide their answers. The answer key is provided. Guide students to the correct answers where necessary.

Activity 2: Branches of Government Bingo

- Advise students they will now have an opportunity to apply their understanding of the separation of powers principle.
- Have students get into groups of two. Hand out the *Activity Sheet 3-3: Branches of Government Bingo* and review the instructions on the sheet.
- After students have finished the Activity Sheet, ask them if they can make up an example of no separation of powers. Multiple responses are possible, such as, the Prime Minister could introduce and pass a law that says he can stay in power until he decides to retire with no separation of powers, the Prime Minister could also control the courts and anyone who wanted to challenge the law would be unsuccessful. Canada could end up a dictatorship and its citizens would have no liberty.

■ Assessment

Branches of Government Bingo Activity Sheet and student responses to questions throughout the lesson can be used for assessment.

■ Extension Activities

1. Find three articles from a newspaper or magazine and cut out one example of each category of power: legislative, executive and judicial. Make a collage which clearly labels which power is illustrated in that article.
2. Research Senate reform. In a brief report, explain why people believe the Senate needs to be changed, what the possible issues are around getting rid of the Senate and what the possible issues are with forming a Triple-E Senate. Conclude the report with your opinion and reasons about whether and how the Senate should be changed.

Your report should expand on the following: Since senators are appointed and not elected, some Canadians believe it is undemocratic for people who are not elected to hold so much power. Some also believe that because senators are selected by the Prime Minister, they often represent the same party platform and they are likely to approve bills put forward by the party.

Furthermore, some say that the Senate does not represent Canada's regions fairly because provinces with bigger populations may have many more Senate seats than smaller ones.

We could keep the Senate with the consequence of keeping the status quo. We could get rid of the Senate, with the consequence that we would have no formal mechanism to review proposed government legislation. We could also consider a Triple-E Senate, which means that Senators should be *elected*, that each province should be represented *equally* in the Senate and that the revised Senate would be more active in monitoring the actions of the government, becoming more *effective*. A move to a Triple-E Senate would require changes to the Constitution, and may raise some practical concerns about how representation is determined.

3. Under the separation of powers, the powers of our government are separated between the executive, legislative and judicial branches to serve as checks and balances on the exercise of government power. To what extent does the press or media act as a check on government power? Write a paragraph in response, using specific examples to support your opinion.

You may consider reference to Cabinet Members resigning due to media scrutiny of their actions or the effect on China's citizens of government control over the media.

■ Get Involved

Find out how your school government works. Get involved by running for election, volunteering to help in a campaign by being a volunteer or campaign manager or by helping with the actual vote.



Activity Sheet 3-1: Branches of Government

Lesson Three

Name: _____ Date: _____

Restraints on Power

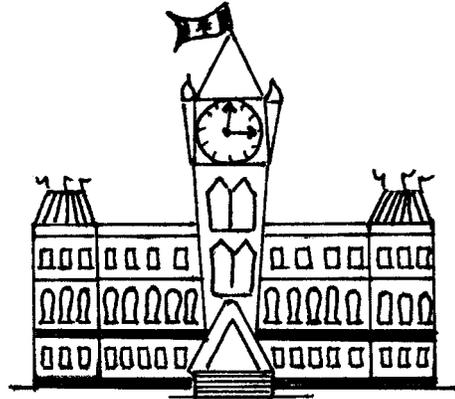
Have you ever heard the saying, “Absolute power corrupts absolutely”? The saying comes from Lord Acton (1834 – 1902), a historian. It means that a person’s sense of what is right or wrong lessens as his or her power increases. So, if you have complete and total power, you will tend to abuse it and have no sense of what is right or wrong. Since our government has been elected to represent the people, it has a great amount of power. It acts for us.

Charles de la Secondat, Baron of Montesquieu, a French political thinker who lived from 1689 to 1755, understood this concept and believed that in order to prevent the abuse that absolute power would bring, “it is necessary from the very nature of things that power should be a check to power.” In other words, to prevent the abuse of power, there needs to be another power to restrain it.

A person or body with absolute power can make laws that are harsh and unfair and then carry them out in a harsh and unfair manner. For example, a king with the power to create laws and who can also direct his police to enforce a law (perhaps unfairly) without review or complaint is tempted to force his will directly upon the people.

Separation of Powers

On the other hand, the constitutional principle of the separation of powers requires that powers not be wholly given to a single individual or single body. So our government has three separate branches: executive, legislative and judicial to balance the use of power.



Executive Branch

The *executive branch* makes and applies government decisions and consists of the Governor General, Prime Minister, Cabinet and Public Service.

The **Governor General** is the Queen of England’s representative in Canada and has largely ceremonial duties. The Governor General does sign bills (laws) passed by parliament but traditionally does not interfere in the political process.

The **Prime Minister** is the head of the Canadian government and the leader of the Cabinet. He or she is the leader of the party with the most elected representatives in the House of Commons. The Prime Minister selects a smaller group of elected representatives from his party to form the **Cabinet**.

As a group, Cabinet Ministers are given a particular department to oversee such as the Department of Foreign Affairs and it is Cabinet Ministers who decide on government policy, such as raising taxes or going to war. Cabinet Ministers begin and guide most laws through the **House of Commons** (the democratically-elected body made up of the governing party and opposition parties that discusses national issues and decides on legislation affecting almost every aspect of Canadians’ lives). The executive branch also includes the **Public Service**, who are gov-

ernment employees in a department who help develop and implement laws passed by Parliament. They carry out the day to day work of the government.

Legislative Branch

The legislative branch debates, makes and changes laws and consists of the House of Commons and the Senate.

The lawmaking process in Parliament typically begins with a Cabinet Minister introducing a **bill** into the House of Commons. (A bill is a written draft of a proposed law.) The bill is formally read for the first time (**First Reading**).

After First Reading, the bill is debated by Members of Parliament (this stage is called **Second Reading**). After this debate, the bill goes to a standing committee, where committee members study the bill clause by clause (this stage is called the **Committee Stage**). Then the bill returns to the Commons for a **Third Reading**, where members debate and vote on the bill.

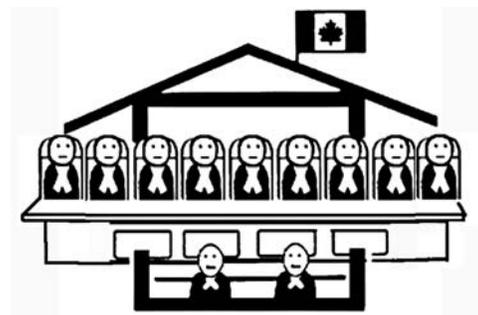
Once the bill passes Third Reading, it goes to the **Senate**. There, the bill follows a similar process to the one in the Commons. After the bill passes Third Reading in the Senate, the Governor General gives it **Royal Assent** (the Queen, through her representative, grants approval for the bill) and the bill officially becomes law. The main function of the **Senate** is to review bills passed by the House of Commons and thus give a final check or “sober second thought” on the decisions made by the Commons. If the Senate believes that changes need to be made to the bill, it can suggest the changes and send the bill back to the House of Commons. Senators are not elected, like MPs. Instead, they are appointed by prime ministers.

Judicial Branch

This branch of government is separate from the other two branches and its function is to apply the constitution and to interpret and apply the laws to the everyday situations of Canadians in individual cases. It is very important for the judiciary to be separate from the rest of government so that it can enforce the Rule of Law and make sure that no one, including Parliament, is above the law.

The judicial branch of government is made up of courts and the judges, who decide if people charged with crimes are guilty or not and who resolve legal disputes between people. People who wish to challenge actions or laws they feel violate their rights can go to the court system to have their dispute settled.

Each province in Canada has several levels of court which hear a wide range of cases. If a citizen is unsuccessful in court and wants to take the case to a higher court, the citizen may seek to appeal the decision. The highest and final court of appeal in Canada is the **Supreme Court of Canada**. The Supreme Court of Canada only looks at cases of public interest or cases involving really important points of law. Its decision is final and there is no further appeal from the Supreme Court of Canada.



Activity Sheet 3-2: Branches of Government Word Search

Lesson Three



- A smaller group of elected representatives selected by the Prime Minister from his or her party to decide on government policy. _____
- The democratically elected body comprised of the governing party and opposition parties that discusses national issues and decides on legislation affecting almost every aspect of Canadians' lives.

- People appointed by Prime Ministers to review bills passed by the House of Commons and thus give a final check or "sober second thought" on the decisions made by the Commons. _____
- A principle requiring that legislative, executive and judicial powers not be wholly given to a single individual or single body.

- The highest and final court of appeal in Canada.

- The branch of government that makes and applies government decisions and consists of the Governor General, Prime Minister, Cabinet and Public Service.

- Government employees in a department or ministry who help develop and implement laws passed by Parliament or a provincial legislature.

- Head of the Canadian government and the leader of the Cabinet. He is the leader of the party with the most elected representatives in the House of Commons.

- The branch of government that interprets and applies the laws to the everyday situations of Canadians. _____
- The Queen of England's representative in Canada who signs bills passed by parliament but traditionally does not interfere in the political process.

- The branch of government that debates, makes and changes laws and consists of the House of Commons and the Senate. _____
- The stage of passing a bill where the Queen, through her representative, the Governor General, grants approval for the bill. _____
- The stage of passing a bill where the bill goes to a standing committee and committee members study the bill clause-by-clause. _____
- The stage of passing a bill where MPs debate and vote on the bill. _____
- The stage of passing a bill where the bill is debated by Members of Parliament. _____
- The stage of passing a bill where the bill is formally read for the first time. _____

Activity Sheet 3-3: Branches of Government Bingo

Lesson Three

Name: _____

Date: _____

In your group, each student takes a turn placing the number of one of the following scenarios under its proper branch of government. The first group to successfully classify the scenarios wins.

EXECUTIVE	LEGISLATIVE	JUDICIAL

1. The Prime Minister decides to call an election.
2. A bill is introduced regarding the salaries of judges.
3. Dissolving Parliament.
4. Interpreting the definition of "same sex marriage" in Bill C-xx.
5. Decision to introduce a federal stimulus package.
6. Announcing a referendum on changing the voting system.
7. Giving Royal Assent to a new gun registration bill.
8. Appointing a new judge to the Supreme Court of Canada.
9. Appointing a new Senator.
10. Introducing a vote of non-confidence.
11. The Speaker of the House carrying the mace.
12. Ordering the Minister of Finance to provide government documents to the courts as evidence.
13. Deciding to raise taxes.
14. MPs debating a bill to criminalize alcohol use.
15. Deciding to go to war.
16. Introducing provisions requiring visitors from Mexico to obtain visas.
17. Appealing a decision from the BC Supreme Court.
18. A Senator sending a bill on privatizing health care back to the House of Commons.

19. Introducing a bill for the first time.
20. "You are guilty of first degree murder".
21. Appointing a Commission of Inquiry into the use of Tasers.
22. The Court of Appeal for BC determines that prohibiting employees from working on Sundays is illegal.
23. Agreeing not to tax timber coming into Canada from the USA.
24. Holding a trial of an RCMP officer for the use of his or her taser.
25. Members of Parliament debate a bill on the use of tasers.
26. The Prime Minister signing an agreement with the president of the USA to ensure cross-border cooperation regarding drug smuggling.
27. MPs make amendments to a bill on gang crimes.
28. The PM appoints a new Minister of Defence.
29. A BC judge sentences a street racer to house arrest.
30. Introducing a new social welfare program.
31. Tabling the federal budget.
32. The Governor General reads the Speech from the Throne.
33. The Minister of Health introduces a teen sports program.
34. The Supreme Court of Canada defines what "unreasonable search and seizure" under the *Criminal Code* means.
35. Signing treaties with First Nations.
36. Welcoming the French President as representative of his or her government to Canada.
37. The Minister of Health bans cigarette advertising.
38. Recording everything said in the House of Commons in the official document known as Hansard.
39. The Supreme Court of Canada hears submissions on whether Quebec should have the right to separate from Canada.
40. A Bill reaches Third Reading.

Activity Sheet 3-3: Branches of Government Bingo

Lesson Three

KEY

In your group, each student takes a turn placing the number of one of the following scenarios under its proper branch of government. The first group to successfully classify the scenarios wins.

EXECUTIVE	LEGISLATIVE	JUDICIAL
1 23	2	4
3 26	7	12
5 28	11	17
6 30	14	20
8 31	18	22
9 32	19	24
10 33	25	29
13 35	27	34
15 36	38	39
16 37	40	
21		

- The Prime Minister decides to call an election.
- A bill is introduced regarding the salaries of judges.
- Dissolving Parliament.
- Interpreting the definition of "same sex marriage" in Bill C-xx.
- Decision to introduce a federal stimulus package.
- Announcing a referendum on changing the voting system.
- Giving Royal Assent to a new gun registration bill.
- Appointing a new judge to the Supreme Court of Canada.
- Appointing a new Senator.
- Introducing a vote of non-confidence.
- The Speaker of the House carrying the mace.
- Ordering the Minister of Finance to provide government documents to the courts as evidence.
- Deciding to raise taxes.
- MPs debating a bill to criminalize alcohol use.
- Deciding to go to war.
- Introducing provisions requiring visitors from Mexico to obtain visas.
- Appealing a decision from the BC Supreme Court.
- A Senator sending a bill on privatizing health care back to the House of Commons.
- Introducing a bill for the first time.
- "You are guilty of first degree murder".
- Appointing a Commission of Inquiry into the use of Tasers.
- The Court of Appeal for BC determines that prohibiting employees from working on Sundays is illegal.
- Agreeing not to tax timber coming into Canada from the USA.
- Holding a trial of an RCMP officer for the use of his or her taser.
- Members of Parliament debate a bill on the use of tasers.
- The Prime Minister signing an agreement with the president of the USA to ensure cross-border cooperation regarding drug smuggling.
- MPs make amendments to a bill on gang crimes.
- The PM appoints a new Minister of Defence.
- A BC judge sentences a street racer to house arrest.
- Introducing a new social welfare program.
- Tabling the federal budget.
- The Governor General reads the Speech from the Throne.
- The Minister of Health introduces a teen sports program.
- The Supreme Court of Canada defines what "unreasonable search and seizure" under the *Criminal Code*.
- Signing treaties with First Nations.
- Welcoming the French President as representative of his or her government to Canada.
- The Minister of Health bans cigarette advertising.
- Recording everything said in the House of Commons in the official document known as Hansard.
- The Supreme Court of Canada hears submissions on whether Quebec should have the right to separate from Canada.
- A Bill reaches Third Reading.

Lesson 4: Introduction to Law, the Rule of Law and Legal Independence

■ Overview

This lesson provides a basic historical overview of the origins of some of the most important legal concepts underpinning our legal system today. Our legal system is a reflection of many earlier systems of law. Students will be able to think critically about the rule of law and the role it plays in current events involving lawyer self-regulation.

■ Objectives

Students will:

- Demonstrate a basic understanding of the rule of law and judicial and lawyer independence.

Focus Questions:

- Why is our legal system built on the rule of law?
- Why is it important to have an independent judicial system?
- How is lawyer independence an important part of our justice system?

■ Basics for the Teacher

Vocabulary

Code of Hammurabi: One of the earliest legal codes where laws were written down.

Magna Carta: A charter of political and civil rights developed by King John in England in 1215.

Rule of Law: A legal principle that everyone is equal before the law and that no one, not even the monarch, is above the law.

French Civil Code: A written collection of the laws of France.

Judicial independence: A legal principle that judges are independent of government and are able to make their decisions based on the law and the evidence and free from interference, be it political or governmental influence, pressure or control.

Lawyer independence: A legal principle that lawyers are able to act and protect their clients' best interest without fear of interference, be it political or governmental influence, pressure or control.

Content

See *Activity Sheet 4-1: Introduction to the Law* for the content used for this lesson.

■ Student Handouts

Activity Sheet 4-1: Introduction to the Law

Activity Sheet 4-2: Rules and Laws

Activity Sheet 4-3: Article on Lawyer Self Regulation

Activity Sheet 4-4: Letter to the Editor



■ Instructions for the Teacher

Activity 1: Rules and Laws Discussion

- Begin with writing the word “Law” on the board. Ask students to brainstorm and come up with other words that come to mind when they see the word “law” on the board. Write down responses.
- State the following: Laws are like rules: for example, sports have rules and there are penalties for breaking the rules. **So what is the difference between laws and rules?**

Rules are different from laws because rules are not enforced by the courts. Laws also apply to everyone in society at all times.

Why do we have laws?

We have laws to regulate how we live in society, according to the principles of reason and fairness. We need laws to live peacefully together and, as society grows, we need more laws to control and limit people’s behaviour.

Who is protected by laws? Who is bound by laws?

The law protects everyone in society, and we all have to abide by laws.

Let’s look now at how laws have developed over time.

- Ask select students to read out loud *Activity Sheet 4-1: Introduction to the Law*. Have your students complete *Activity Sheet 4-2: Rules and Laws*. Discuss their answers.
- If you have time there is an excellent resource on legal independence which you may want to use. It is called *Legal Independence: It’s Your Right* DVD and Teacher’s Guide (<http://www.JusticeEducation.ca>).

Activity 2: Letter to the Editor

- Advise students they will now look at how the Rule of Law is an issue involving professionals who regulate themselves (self regulating bodies).
- Use *Activity Sheet 4-3: Article on Lawyer Self Regulation* and explain to the students what self regulation includes. Discuss the pros and cons. This article is difficult for them to read so you may want to explain the issues rather than hand this out to the class.

- Then distribute *Activity Sheet 4-4: Letter to the Editor* and ask students to write a hypothetical letter to the editor of the Vancouver Sun, saying whether the Law Society’s self regulating status should be reformed, based on the rule of law and the contrasting arguments in the article they just discussed.

■ Assessment

Use the letter to the editor as well as student discussion and responses to questions on *Activity 4-2: Rules and Laws* for assessment.

■ Extension Activities

1. Research the trial of Sir Walter Raleigh. Summarize the events leading to his arrest and how his trial was conducted. Describe in what ways the trial of Sir Walter Raleigh violated the rule of law.

2. Research and describe one country where there is concern over its lack of judicial independence. In what ways does that country lack judicial independence? What is the result of not having an independent judiciary?

For example, in Venezuela and Zimbabwe there is a lack of security of tenure. A lack of judicial independence could lead to the government overstepping its bounds and restricting or ignoring the rights and freedoms of its people.

■ Get Involved

Interview someone (a friend, a parent, a relative) who comes from a country where legal independence does not exist. Find out how that person’s life is different in Canada. Report back to your class on what you discover.

Activity Sheet 4-1: Introduction to the Law

Lesson Four

Name: _____ Date: _____

Laws, in the form of rules, have been around for as long as some of our oldest civilizations.

Early Laws

One of the earliest known legal codes was created in 1700 BC by King Hammurabi of Babylon called the **Code of Hammurabi**. He carved all 282 laws on an eight-foot-tall black stone which was placed in the city for all to see.

A number of centuries later, Biblical laws were brought to the people by Moses. Many centuries after that, Roman law spread throughout most of



Europe and was codified by the Emperor of the Roman Empire, Justinian. It was known as the Justinian Code.

In 1066, William the Conqueror became King of England and established feudal law,

which had at its roots the concept of “divine right” – that Kings got their power from God, placing them above the law and answerable only to God. The feudal system of law involved the noblemen judging and sentencing those under their authority, which resulted in some noblemen being fair and reasonable and others being harsh and unjust.

Over the next century, the people rose up against this unfair treatment and as a result, King Henry reformed the law and introduced the jury system. He introduced a system of travelling judges who would decide on disputes, using similar cases to guide them in

their decision and outcome. However, these changes to the legal system had the effect of undermining the King’s power. If the King no longer was the maker of laws, people questioned whether he ruled by divine right and got his power from God. If the King did not get his power from God, then he would not be above the law.

Magna Carta

Thus, in 1215, King John was pressured by the people to sign the **Magna Carta**, a charter of political and civil rights based on the principle known as **The Rule of Law**. The rule of law meant that *everyone was equal before the law* and that no one, not even the King, was above the law.

French Civil Code

Centuries later, after the French Revolution, the *French laws were unified into a new code by Napoleon Bonaparte*, called the Napoleonic Code or **French Civil Code**. The French Civil Code spread throughout Europe and even present-day Quebec civil law is largely based on the Napoleonic Code.

Canadian law in general is a reflection of all these earlier systems of law. Undoubtedly, the Magna Carta (“Great Charter” in Latin) had a profound influence on our legal system and, in particular, our Constitution and *Canadian Charter of Rights and Freedoms*, which enshrines our civil liberties or freedoms. The rule of law, too, is a fundamental principle in our legal system today.

Rule of Law

While some countries carry out their laws by intimidating or bullying their citizens (sometimes even arresting and throwing people

into prison without a trial) here in Canada we expect our laws to operate and be carried out differently. We expect to be protected by our



laws and treated fairly. We follow the rule of law, a principle of justice. This principle means that individuals must recognize and accept that we need laws to regulate society. We all live near other people and must find a way to live

together peacefully. Laws exist to help us do this.

The rule of law also means that the law applies equally to everyone, including people with power such as our politicians, our police officers and judges. A final aspect of the rule of law is that the exercise of our rights cannot be dealt with or taken away on whim – we cannot be given rights one day and have them taken away the next. Under the rule of law, no one can take away our rights except in accordance with the law and everyone has a right to fundamental justice.

Judicial Independence

Within a legal system governed by the rule of law, we expect that we can receive justice and that our courts will protect the rule of law and that they are places of fairness and free from bias or corruption. Even though our governments pay for everything, including court services, our courts and *judges are independent from the executive and legislative branches of government*. This is called **Judicial Independence**.

You may remember from what you learned earlier that under the separation of powers, the judicial branch of government is separate from the other branches of government, in

part to serve as a check on the power of the government. Our judges make decisions without interference or influence from anyone, not even the Prime Minister, or public opinion. In order to protect the rights of individuals, judges need to be able to make decisions based on the evidence and the law without pressure from government or anyone else. This does not mean that judges are not accountable or responsible for their actions. Their decisions can be examined by a higher court and they follow established ethical standards of conduct.

Lawyer Independence

In the same way that our judges need to be independent in order to uphold the rule of law and protect the rights of citizens, so must our lawyers. **Lawyer Independence** means that *lawyers are able to act and protect their clients' best interest without fear of interference, be it political or governmental influence, pressure or control*. The public has a right to get legal advice from a lawyer whose primary duty is to the client and not to any other person including the state. The state cannot and does not decide who can become a lawyer.

Only the Law Society of BC determines who can be a lawyer or who must stop practicing law. The Law Society of BC is a self-regulating body of lawyers and is independent from government. It is very important that the body that governs lawyers be separate from government so that lawyers can advise citizens about their rights and responsibilities regarding a law or government action. Just because the body that regulates lawyers is separate from government does not mean that lawyers do not have to answer to anyone. Their conduct is reviewable by the Law Society of BC and disciplinary action can be imposed for professional misconduct.

Activity Sheet 4-2: Rules and Laws

Lesson Four

Name: _____ Date: _____

Part A: Brainstorm and write 10 words that come to mind when you think of the word, law.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Part B:

1 Write a definition for each word. Consult a dictionary.

(a) law _____

(b) rule _____

2. Give an example of law being applied in a situation.

3. Give an example of a rule being applied in a situation.

4. Explain the difference between law and rule.

Part C: Write a paragraph explaining why we have laws, who is protected by laws, and who is bound by laws.

Part D: Explain in detail what each of the following refers to:

1. Code of Hammurabi _____

2. Magna Carta _____

3. Rule of Law _____

4. French Civil Code _____

5. Judicial Independence _____

6. Lawyer Independence _____

Activity Sheet 4-3: Article on Lawyer Self Regulation

Lesson Four

Name: _____ Date: _____

On Oct. 21, the faculty of law at the University of British Columbia hosted a lecture by Richard Devlin on the self-regulation of law societies. While self-regulation has long been considered an essential component of Canadian law societies, the content of and reaction to Devlin's lecture indicate that that structure is in fact deeply contested among legal practitioners and academics.

In his presentation, Devlin summarized some of the arguments presented for and against self-regulation.

Advocates contend that self-governance:

- Is necessary to preserve the independence of the bar, the independence of the judiciary, and rule of law;
- That it assures the public of protection from state violation;
- That only lawyers have the necessary expertise to assess other lawyers, making self-regulation at once the most efficient and rigorous means of regulating them; and
- That self-regulation has been so long a part of the legal tradition (since at least the 15th century) that it has become part of the profession's unwritten constitution.

Dissenters, however, counter:

- That self-regulation does not ensure the protection of public interest, because of the constitutive conflict of interest, which entrenches a monopoly on legal services;
- That regardless of whether or not the system serves the purpose of justice, justice cannot be seen to be done when the public sees self-regulation as a conflict of interest; and
- That there is no causal connection between self-regulation and independence, especially since traditional arguments for that connection have failed to acknowledge that in addition to the executive branch of the government, the profession is also vulnerable to control by corporations.

Devlin cited several cases that suggest the current practice of self-regulation warrants concern. For example, Canadian law societies (except in Alberta) currently provide no guidance for counsel who are given physical evidence of a crime. This despite the fact that in 1993 Paul Bernardo's lawyer, Ken Murray, was charged and then acquitted of obstruction of justice, after which the Law Society of Upper Canada brought and then dropped charges of professional misconduct against him.

Similarly, the handbooks do not outline the boundaries of acceptable sexual relations with clients, so that individual lawyers are required to estimate what steps are necessary to avoid conflict of interests.

This is what happened in 2005 with George Hunter, the former president of the Federation of Law Societies of Canada and treasurer of the LSUC. He was charged with misconduct for his relationship with one of his clients and then given a two-month suspension as punishment.

Devlin then posited some explanations for why there has been so little debate in Canada about self-regulation. These included the absence of readily available complaints systems and statistics in law societies; a tendency among progressive lawyers to focus on access to justice issues rather than regulatory reform; and a dearth of scholarly research on self-regulation.

In presenting some alternatives to self-regulation, Devlin's study took an international approach. He noted that Canada may soon be the only country in the Commonwealth where the profession remains self-regulating.

In Australia, while the law society retains authority over rules, reforms initiated over the last decade have created an independent, government-appointed body to handle complaints. In England, similar reforms are now pending.

Drawing on those reforms, Devlin presented a series of possible models that could be instituted here in Canada. Ultimately, much of the force in Devlin's paper came from the sense that he was less interested in dismantling self-regulation than in triggering a debate around the issue, a debate more nuanced and less polarizing than ones currently being had.

In the question period that followed his lecture, Gordon Turriff, president of the Law Society of British Columbia, passionately defended self-regulation as a means of serving the public interest, citing his own work in the field for several years as evidence. In fact, it was with quotations from Turriff's papers on self-regulation that Devlin had begun his lecture.

All of this speaks to how vital this topic is to the future of the profession and its reputation in Canadian society. For this reason, it would be worthwhile for current law students to keep an eye on the debate, since with changing systems overseas and controversy at home, these issues will have a definite impact on everything to do with our futures in the profession; from the fees we will have to pay and the governance structures to which we will be beholden to our very understanding of legal ethics.

Article is from <http://www.canadianlawyermag.com/Self-regulation-at-home-and-abroad.html>.

Lesson 5: The Canadian Charter of Rights and Freedoms

Overview

This lesson focuses on the document that affects the every day lives of Canadians: the *Canadian Charter of Rights and Freedoms*. Students will take a look back to why the *Charter* was created and how it became part of our Constitution. They will also explore the *Charter's* categories through focus cases, which highlight the struggles that citizens face when their rights and freedoms appear to be violated. Students will have a chance to debate and discuss the issues and, perhaps, relate them to personal experiences.

Objectives

Students will:

- Demonstrate an understanding of the process by which the *Charter* became part of our Constitution.
- Demonstrate a basic understanding of the *Charter's* content.
- Recognize how the *Charter* affects our daily lives.
- Defend a position on a contemporary issue.

Basics for the Teacher

Vocabulary

See *Activity Sheet 5-1: It Would Be a Crime Not to Know These Words!*

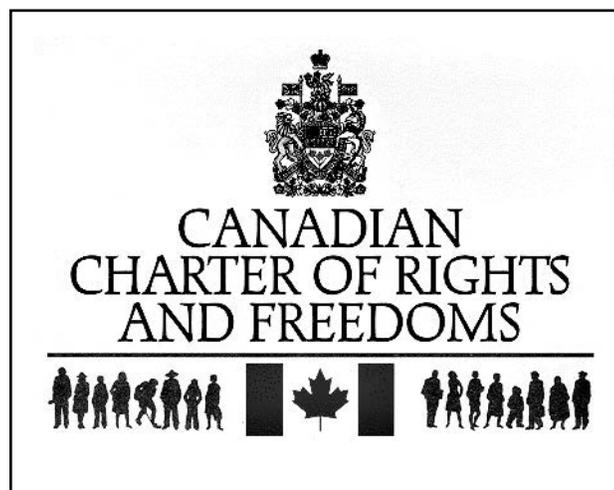
Content Information

Constitution

The Constitution defines the political structure of Canada and the relationship between the government and the people. The Constitution has various components, consisting partly of written documents and partly of unwritten traditions called conventions.

The written components of Canada's Constitution are the *British North America Act 1867 (later renamed the Constitution Act, 1867)* and the *Constitution Act 1982*.

A LOOK BACK: In the 1960's and 1970's, Canadian political issues often focused on discontent in Quebec over language and social policy and the concern in the western provinces over natural resources. By May 1980, it seemed apparent to Prime Minister Pierre Trudeau that a renewed effort for constitutional change was needed – Quebec had issued a referendum on sovereignty-association. Many in the province wanted Quebec to become a separate country.



To keep Quebec within Confederation, Prime Minister Trudeau assured the province its rights would be protected under a new constitutional arrangement. In October of 1980, without the support of eight provinces, Prime Minister Trudeau requested that the British government amend the *BNA Act* by adding an amending formula and a *Canadian Charter of Rights and Freedoms*. By November 1981, the Prime Minister had brought nine provinces on board. Quebec, still not happy, held out. In April of 1982, the amendments were signed off by Queen Elizabeth I and the constitution of Canada officially became our own. The process of “bringing home” the Constitution from Britain is called patriation.

The constitution of Canada contains the *Canada Act, 1982*, which has two parts: the *Constitution Act, 1982* and the *British North America Act 1867* (later renamed the *Constitution Act, 1867*)

It is the *Constitution Act, 1982* that contains the *Canadian Charter of Rights and Freedoms* (*Charter*). Because the *Charter* is part of the constitution, no part of it can be changed by a federal or provincial government. The House of Commons, the Senate and two thirds of the provinces representing over 50 percent of Canadians must approve any changes to the *Charter* or any part of the constitution.

Canadian Charter of Rights and Freedoms

What is the *Charter*? It is a document that protects the interests of Canadians and provides a way to challenge perceived abuses of basic rights and freedoms through our court system.

The *Charter* falls into seven distinct categories: fundamental freedoms, democratic rights, language rights, mobility rights, minority language educational rights, legal rights and equality rights.

Section 25 protects the rights, customs, traditions, and land claim agreements of the Aboriginal peoples which includes Indian, Inuit and Métis. This section, however, confers no new rights but does recognize Aboriginal Rights as distinct from the *Charter* provisions.

■ Student Handouts

Activity Sheet 5-1: It Would Be a Crime Not to Know These Words!

Activity Sheet 5-2: A Closer Look at the Charter

Activity Sheet 5-3: Here's What I Know About the Charter

■ Instructions for the Teacher

Activity 1: Vocabulary

Discuss the vocabulary on *Activity Sheet 5-1: It Would Be a Crime Not to Know These Words!* When introducing the definitions make sure the students understand the difference between a right and a freedom, as indicated below.

- A **right** is a legal, moral or social expectation that Canadians are entitled to from the government. For example, a person accused of committing an offence is entitled to a lawyer and a fair trial within a reasonable amount of time.
- A **freedom** is a right to live your life without interference from the government unless you impinge on the freedoms of others.

Activity 2: A Closer Look at the Charter

- Hand out *Activity Sheet 5-2: A Closer Look at the Charter* and discuss each section with the Focus Case. Before continuing to the next section, discuss the questions about the Focus Case or the questions in general that follow each section.
- For Focus Case 1: Ask students to comment on the case either orally or in journal form.
- For Focus Case 2: Do you think that Peter McKnight's idea of banning ads that “incite or condone violence” deprive individuals of their right to freedom of expression?
- For Focus Case 3: Ask students to orally or in their journals comment on Mr. McInnes' quote.
- For Focus Case 4: Ask students if they have ever been in a crowded situation where they felt unsafe. Have them give examples.

- For Focus Case 5: Ask the students how they would vote if they were on that appeal court and why.
- For Focus Case 6: Read the case under “Mobility Rights”. Give the students five minutes to make a list of the things in their homes that they would take with them. At the end of five minutes have the students share their lists with the class. Look for similarities
- For Legal Rights: Ask the students why they think this statement is so important:

“Everyone is considered innocent until proven guilty beyond a reasonable doubt.”

You can also look at some of the materials on <http://www.legalrights4u.ca>.
- For Focus Case 7: Ask the students if they think the women skiers could have done anything else to draw attention to this apparent discrimination before the Olympics.
- For Language Rights: If there are a significant number of people speaking other languages, do you think language education rights should be extended to include these languages? What would some of the problems be?

Or

Go over the Freedoms and Rights Notes on the *Charter*. Then divide the class into eight groups. Give seven groups one of the focus cases and one group the *Charter Warning*. Tell them to act out the case in front of the class. Have the rest of the class try to identify what type of freedom or right the case is focusing on. Discuss the notes on that right and freedom and pose the questions in the above instructions.

Activity 3: Here’s What I Know About the Charter

Hand out *Activity 5-3: Here’s What I Know About the Charter!*

This can be used as an in class worksheet or a homework assignment.

Activity 4: Can We Solve This Problem?

At one of your class meetings, review the definition of equality rights. Hand out cue cards to each student. Tell them that for the next meeting they must write down a problem they see in the school con-

cerning equality rights. At the next meeting, collect the cue cards, have a student pick one and use it to discuss possible solutions to the identified problem. (This could be an ongoing feature of your class meeting if the students identify several issues.)

■ Assessment

Use the written journal responses from *Activity Sheet 5-2: A Closer Look at the Charter* and *Activity Sheet 5-3: Here’s What I Know About the Charter!* On a class list, note the number and quality of student oral responses to discussions. Some ESL students may be exempt from oral response evaluation.

■ Extension Activities

1. While reading or researching an ancient culture from your Grade 7 Social Studies: A Link to the Past textbook, determine if the culture has democratic rights. If so, how do they compare with the rights set out in our *Charter*? If not, how did that affect the country’s government? Show your results in T-chart form as instructed by the teacher.
2. Using the short story or novel you are presently reading with the class, write a short report on what types of rights are discussed in the story or novel.

Here are suggestions for Grade 7 novel reading: “Space Trap” and “Log Jam” by Monica Hughes; “A Wrinkle in Time” by Madeline L’Engle; and “Holes” by Louis Sachar.

■ Get Involved

Visit the law courts and ask to have a deputy sheriff speak to the class. He or she will show you a card-size copy of the *Charter Warning*. Ask him/her why the *Charter Warning* must be read. Under the *Charter*, a person must be advised of his or her legal rights. If his or her rights are not read, the charges could be dropped.

Activity Sheet 5-1: It Would be a Crime Not to Know These Words!

Lesson Five

Name: _____ Date: _____

British North America Act 1867 (BNA) (later renamed the Constitution Act, 1867): Established the Dominion of Canada. It stated that the Canadian government would have a system that is similar to the British system of government.

Canadian Charter of Rights and Freedoms: Part of the *Constitution Act, 1982* which defines our protected rights and freedoms.

Constitution Act, 1982: Includes the *BNA Act 1867* and was signed by nine premiers as part of the process to bring the constitution home.

Conventions: Unwritten traditions. The Canadian constitution is partly conventions and partly written documents.

Freedom: The right to live your life without interference from the government unless you impinge on the freedoms of others.

Patriation: Bring home the constitution from Britain to Canada.

Right: A legal, moral or social expectation that Canadians are entitled to from the government. A right comes with responsibilities. For example, a person may have the democratic right to vote but he or she also has the responsibility to exercise that right by voting.

Use the words above in three sentences to show you understand their meanings.

Activity Sheet 5-2: A Closer Look at the Charter

Lesson Five

THE FUNDAMENTAL FREEDOMS

Conscience and Religion

- You have a right to practise your religion's beliefs and to declare them without fear.
- No one can be forced to act in a way contrary to one's beliefs or conscience.

Focus Case 1

In 1985, a landmark case, *Regina v. Big M Drug Mart Ltd.* [1985] 1 S.C.R. 295, tested the *Lord's Day Act* which prevented stores from opening on Sunday because it was supposed to be a day of rest.

The *Act* was struck down because it went against the *Charter's* right of freedom of religion and conscience. The *Act* essentially forced people of other religions to observe Sunday in a Christian context. Other Canadian courts have also held up employee's rights to take days off to observe religious holidays.

NOTE: Sometimes the Court must weigh one *Charter* freedom against another. An example is the issue of blood transfusions. While the Court recognizes parents' rights to worship freely, it will not support this right if parents refuse to approve a life-saving blood transfusion on religious grounds.

Thoughts and Expression

- Under s. 2(b) you are free to think and believe what you want and to publicly express your opinions through writing, speech, art, music or photography.

Focus Case 2

In 2009, in *Greater Vancouver Transportation Authority v. Canadian Federation of Students* [2009] 2 S.C.R. 295, the Supreme Court of Canada ruled that BC's two transit agencies TransLink and BC Transit violated the *Charter* by rejecting ads on the sides of buses from the BC Teachers' Federation and the Canadian Federation of Students. The ads were to encourage students to vote in the 2005 provincial election, but the bus companies argued that the ads would create an unwelcome environment for bus patrons. The Court's decision was unanimous, but that does not mean that TransLink would not be well within its rights "to ban ads that do threaten the safety or welfare of the public, such as ones that

incite or condone violence or include discriminating violence," opined Peter McKnight in his op-ed column in the Vancouver Sun.

Focus Case 3

The RCMP planned to set up free speech areas during the 2010 Olympic and Paralympic Winter Games in Vancouver. Many questions were being asked. Does this mean that there was not free speech at any other Olympic sites? Does it mean that the RCMP think the public would be safer if the *Charter* right to freedom of speech was restricted to certain areas only? Craig McInnes, writing in the Vancouver Sun, said, "But legitimate free speech, no matter how stupid, must be allowed anywhere and any time it doesn't unduly impinge on the equally important rights of others."

Peaceful Assembly and Association

- You may gather with friends to celebrate an event or to demonstrate a point-of-view as long as it is lawful and peaceful.
- If, however, you break a law in the *Criminal Code*, your group could be dispersed and arrested.

Focus Case 4

In the 1990's, people gathered to celebrate (protected under freedom of peaceful assembly) with other hockey fans (protected under freedom of association) a Vancouver Canucks' win during the Stanley Cup hockey playoffs. However, when the assembly turned into a riot, the freedoms of others (such as those of shopkeepers whose windows were broken and of bystanders who felt a threat to their personal safety) were compromised. The police had to arrest some rioters who were then charged with breaking the law. Freedoms are guaranteed only to such reasonable limits as can be justified in a free and democratic society.

THE RIGHTS

Democratic Rights

- Every citizen has the right to vote in an election.
- A new federal and provincial government must be elected every five years.
- Parliament and legislative assemblies must hold at least one session a year.

Focus Case 5

At one time, all inmates in federal and provincial prisons were denied the right to vote. In 1992, Richard Sauvé challenged this under s.3 (the right to vote) and s.15 (equality rights) of the Charter. He won his case in Ontario Court of Appeal and the Federal Court of Appeal. Parliament amended the wording so that prisoners serving less than two years were given voting privileges. This didn't help Sauvé, since he was serving a life sentence for first degree murder. Again he challenged the limitation in 1995. He was successful and in 1997 all prisoners were allowed to vote. But in 1999 the Federal Court of Appeal overturned the decision. Sauvé appealed to the Supreme Court of Canada for the third time. In 2002, in *Sauvé v. Canada (Chief Electoral Officer)* [2002] 3 S.C.R. 519, the court ruled that prisoners serving more than two years could not be disqualified from voting. To date, the legislation has not been amended but the Chief Electoral Officer has applied the *Sauvé* decision to allow inmates the opportunity to vote.

Mobility Rights

- Protects the rights of Canadians to enter and leave Canada.
- Citizens are able to move from province to province in search of work and a place to live.

Focus Case 6

This case occurred in Delta BC. The Municipality of Delta stated that if you wanted to work in Delta, then you had to live in Delta. This was found to be an infringement on mobility rights.

Legal Rights

- Everyone has the right to be secure against unreasonable search and seizure.
- The police must have reasonable grounds for searching you or your home and any evidence that is unlawfully obtained may be excluded at trial.
- Everyone has the right not to be arbitrarily detained or imprisoned. A person must be held in custody on reasonable grounds and must be brought before a judge or justice as soon as possible or within 24 hours of detention to decide if the detention is lawful (*habeas corpus*).
- Everyone has the right on arrest or detention to be informed promptly of the reasons and to consult counsel without delay and to be informed of that right.
- The police use the Charter warning to provide this information.
- Everyone has the right to a fair trial within a reasonable time.
- Everyone is innocent until proven guilty beyond a reasonable doubt. Crown counsel must present evidence to an unbiased judge or jury in an open court to prove the accused's guilt. The accused does not have to prove anything or call any evidence.
- Everyone has the right to be tried by a judge and jury where the punishment for the offence charged is over five years' imprisonment. This provision guarantees the right to be judged by one's peers and it keeps our justice system in touch with the opinions of ordinary people and with changing community standards.

Moving Immediately!

Imagine that either your mother or father wanted to work in Delta and the whole family has to move. You do not want to move, but your parents say you have to. Make a list of the things in your home that you would take with you. As you are leaving immediately, you can only pack what fits into your van.

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- Everyone has the right not to be compelled as a witness and to remain silent when accused of a crime.
- Everyone has the right not to be subjected to any cruel and unusual treatment or punishment. The punishment should fit the crime and it should meet with the broad public standard of acceptability.

Charter Warning

I am arresting you for: (state reason for arrest including the offence and provide known information about the offence, including date and place).

It is my duty to inform you that you have the right to retain and instruct counsel in private without delay.

You may call any lawyer you want.

There is a 24-hour telephone service available which provides a legal aid duty lawyer who can give you legal advice in private.

This advice is given without charge and the lawyer can explain the legal aid plan to you.

If you wish to contact a legal aid duty lawyer, I can provide you with a telephone number.

Do you understand?

Do you want a lawyer?

If an arrested or detained person initially indicated that he or she wished to contact legal counsel and subsequently indicates that he or she no longer wishes to exercise the right to counsel, read the following additional *Charter* warning:

You have the right to a reasonable opportunity to contact counsel. I am obligated not to take a statement from you or to ask you to participate in any process which could provide incriminating evidence until you are certain about whether you wish to exercise that right.

Do you understand?

What do you wish to do?

Official Warning:

You are not obligated to say anything, but anything you do say may be given in evidence.

Equality Rights

- Every citizen is equal before and under the law.
- Every citizen has the right to equal protection and benefit of the law.
- These rights are to be applied equally and without discrimination based on race, nationality, ethnic origin, colour, religion, sex, age or mental or physical disability.

Focus Case 7

A group of 15 women skiers challenged their exclusion to compete in ski jumping at the 2010 Winter Olympics. In *Sagen v. Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games [2009] BCSC 942*, a decision by the BC Supreme Court released in July 2009, the Court ruled that the event will still be open to men only. Why? Madam Justice Fenlon in her 42-page ruling stated that the International Olympic Committee is not subject to government control. The Court held that the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games “cannot be held to be in breach of the *Charter* in relation to decisions it cannot control.” The Court also stated that although the Court could not affect the skiers’ exclusion, “there is something distasteful about a Canadian governmental activity subject to the *Charter* being delivered in a way that puts into effect a discriminatory decision made by others.”

Language Rights

- Either English or French may be used in Parliament.
- All documents of Parliament must be published in both languages.
- Members of the public can communicate with the federal government in either language.
- The federal government must provide services in English and French.
- Either language can be used in court.

Minority Language Education Rights

Canadians have a right to have their children educated in French if:

- Their first language is French.
- They received their own primary education in French.
- They have a child already receiving education in French.

Activity Sheet 5-3: Here's What I Know About the *Charter!*

Lesson Five

Name: _____ Date: _____

Directions - Use your notes and your ideas to answer the following questions.

1. Give 2 reasons why the freedom of expression is important to you as a grade 7 student?

2. Why is it important to have provincial and federal elections every 5 years?

3. Name 3 types of legal rights.

4. If there were no mobility rights, how might that affect your parents if they were looking for a job? _____

5. Name 3 minority language education rights.

True or False:

6. You can be held under arrest for as long as the government wants. _____

7. Evidence obtained without a search warrant is not admissible in court . _____

8. In a court of law, the accused has to prove he or she is innocent. _____

9. You must be read your *Charter* rights if you are arrested . _____

10. Your freedoms are guaranteed as long as you don't interfere with the freedoms of others.

Activity Sheet 5-3: Here's What I Know About the Charter!

Lesson Five

KEY

Directions - Use your notes and your ideas to answer the following questions.

1. Give 2 reasons why the freedom of expression is important to you as a grade 7 student?
Answers may vary.
2. Why is it important to have provincial and federal elections every 5 years?
It gives voters a chance to elect a new government if they are unhappy with the policies of the present government.
3. Name 3 types of legal rights.
A right to a lawyer, the right to a fair trial, the right to remain silent when you are arrested.
4. If there were no mobility rights, how might that affect your parents if they were looking for a job?
They would not be able to apply for a job in another province.
5. Name 3 minority language education rights.
Children can be educated in French if their first language is French, if their parents received education in French and if there is another member of the family receiving their education in French.

True or False:

6. You can be held under arrest for as long as the government wants.
False. The Charter states that you must be brought before a judge within 24 hours of detention.
7. Evidence obtained without a search warrant is not admissible in court.
Generally true but must look at section 24 of the Charter.
8. In a court of law, the accused has to prove he or she is innocent. **False. The Crown has to prove the accused's guilt.**
9. You must be read your *Charter* rights if you are arrested. **True.**
10. Your freedoms are guaranteed as long as you don't interfere with the freedoms of others.
True.

Lesson 6: Criminal Law and Civil Law

■ Overview

In this lesson students will have the opportunity to explore the basics of criminal and civil law. They will begin with discussing the need for rules in their classroom and then expand their ideas as to why we need laws in our communities and country. The first section introduces the students to the basics in criminal law – what it is, how it is broken, how it affects society and how the Canadian legal system addresses crime in court. The second section focuses on civil law – how it differs from criminal law and what that looks like in court.

■ Objectives

Students will:

- Demonstrate a basic understanding of criminal and civil law.
- Define and understand key vocabulary.
- Know about the people who work in the courts and what their roles are.
- Apply critical thinking skills – including classifying and drawing conclusions – to a range of problems and issues in civil and criminal law.

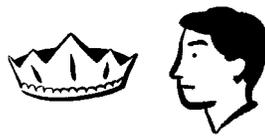
■ Basics for the Teacher

Vocabulary

See the vocabulary on *Activity Sheet 6-1: Don't Forget Your Courtroom Vocabulary!*

Content

Criminal Law



CRIMINAL CASE

An individual is accused of breaking the law

We live by the *Criminal Code* of Canada, a statute that is meant to reflect the social values of the majority of Canadians. It lists the offences, the procedures to be followed in court and the sentences to be imposed if the accused is found guilty beyond a reasonable doubt by a judge or jury.

The Crime: A crime occurs when an individual breaks one of our criminal laws. Every crime has two essential parts: the action or *actus reus* and the intent or *mens rea* (guilty mind). For example, the crime of arson has two parts: actually setting fire to a building and doing it willfully and deliberately. Setting a fire by accident is not a crime. For most criminal cases both the *actus reus* and the *mens rea* must be proven.

The Accused: Once a crime has been committed the person might be arrested by a police officer or summoned to court to answer to the charge. The person who is charged with committing a crime is called “the accused.”

The Crown: The government charges the accused with a crime. The offence is an offence against the state and the charge would read: *Regina* (Latin for the Queen) versus the name of the person charged. The term *Regina* is used because the symbolic Head of State is the Queen. The government hires lawyers to act on behalf of the community and society. These lawyers are called “Crown counsel.” Crown counsel presents the evidence of the crime at trial.

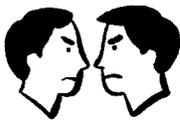
Legal Principles: At the start of the trial the accused is presumed to be innocent and it is Crown Counsel’s responsibility to prove that the accused is guilty beyond a reasonable doubt.

The burden of proof is on the Crown and the elements of the offence must be proven beyond a reasonable doubt. This means there cannot be any reasonable doubt in the mind of the judge or the jury that the accused is guilty. If a reasonable doubt exists then the accused must be found not guilty.

Court Process: When a criminal case is brought to court and if the accused might go to jail for a term of five years or more, then the accused has the opportunity to choose to have either a trial by judge alone or a trial by a judge and jury. The jury will consist of 12 members.

At the end of the trial, when both sides have stated their cases, a verdict will be reached. In a criminal trial with a jury this verdict must be unanimous. If the jury cannot reach a unanimous verdict it is called a “hung jury” and a new trial must be held. If the individual is found guilty then the judge will sentence the accused. Sentences may include probation, a fine, a suspended sentence and/or imprisonment. Over 99% of all criminal cases begin and end in the Provincial Court. The BC Supreme Court deals with the trials of very serious criminal cases such as murder.

Civil Law



CIVIL CASE

Two individuals or groups can't come to an agreement

Civil conflicts involve disagreements between individuals or groups and are different than criminal matters.

Court Process: A civil case is started by one party filing a claim in the court against the other party and asking the court to decide the outcome. This case would read differently from a criminal one in that it would be the Plaintiff (Jones) versus the Defendant (Smith).

The plaintiff is the person starting the action or the one suing. The defendant is the person who allegedly caused the problem

If a civil jury is used (not common), it will have eight members. The decision of this jury does not have to be unanimous, as long as 75% or six out of eight jurors agree after at least three hours of deliberation.

The civil award issued in a decision is usually monetary in the form of a damages award. Civil cases with a monetary claim of \$25,000 or less are heard in Provincial Court. Cases with a claim of over \$25,000 are heard in the BC Supreme Court. The majority of civil cases are settled out of court.

Legal Principles: The burden of proof in civil cases is on the balance of probabilities which means that it is more probable that one side is correct. The judge or jury listens to both sides. Then they weigh the evidence and make a decision.

Types of civil cases include: contract disputes, divorces, custody disputes, contested wills and estates and personal injuries such as those caused in motor vehicle accidents.

Criminal and civil law comparisons are on the chart called *Criminal Law vs. Civil Law*.

Civil and Criminal Counterparts: Some situations may result in cases being heard both in a criminal proceeding and in a civil proceeding. An example of this would be a car accident where the person at fault could be charged with dangerous driving (criminal) and that person could also be sued for damages to pay for the injuries suffered (civil).

The civil counterparts of criminal cases are as follows:

Criminal Cases	Civil Counterparts
Theft	Conversion
Attempted murder	Battery
Fraud	Breach of contract
Criminal negligence	Personal injury
Assault	Personal injury
Mischief	Damages

■ Student Handouts

Activity Sheet 6-1: Don't Forget Your Courtroom Vocabulary!

Activity Sheet 6-2: Welcome to Oz

Activity Sheet 6-3: Studying About Criminal Law

Activity Sheet 6-4: Criminal Law and Sentencing Options

Activity Sheet 6-5: Studying About Civil Law

Activity Sheet 6-6: A Death, a Bird and Lots of Money

Activity Sheet 6-7: Criminal and Civil Law Quiz

■ Instructions for the Teacher

Activity 1: Rules and Laws

- Begin a discussion of law by writing two questions for discussion on the board or overhead: What are laws? Why do we need them? Have the students brainstorm and write down their answers.
- Then talk about school rules using your school's Code of Conduct. Make the connection for the students that breaking a rule in the school Code of Conduct is not illegal but may result in consequences, whereas breaking a law in the *Criminal Code* of Canada is illegal and will be addressed through our criminal justice system.
- Explain that civil law issues may be dealt with in or out of court since the parties may come to an agreement before the court procedure begins.
- Hand out *Activity Sheet 6-1: Don't Forget Your Courtroom Vocabulary* and discuss it.
- Hand out *Activity Sheet 6-2: Welcome to Oz* and ask the students to complete it.

Activity 2: Studying About Criminal and Civil Law

Use *Activity Sheet 6-3: Studying About Criminal Law* to walk the students through the court process when a crime is committed. Note: This sheet could be given out in the previous lesson and reading it assigned for homework.

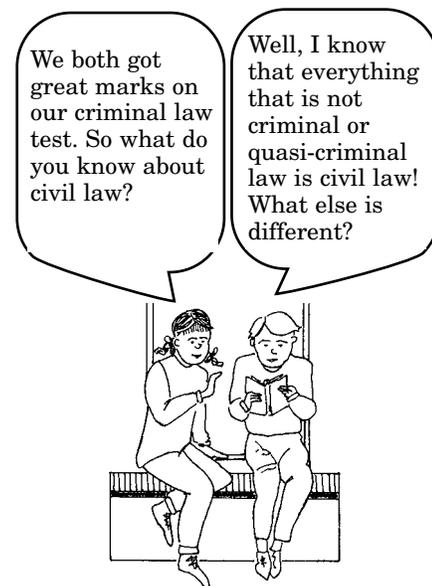
- Have the students highlight the important information in each dialogue bubble.
- Hand out *Activity Sheet 6-4: Criminal Law and Sentencing Options* to the students and read over together. Students can use this sheet and *Activity Sheet 6-3: Studying About Criminal Law* to answer the questions at the bottom. Mark with the students when completed.

As a transition from criminal law into civil law, read the students the following:

Some cases may be heard in both civil and criminal courtrooms. A famous case is that of O.J. Simpson, a NFL star and actor who was accused of killing his wife, Nicole and a friend Ron Goldman, who was visiting her. At the end of the long and sensational trial in California, the jury found the defendant not guilty. O.J. Simpson was free to go! The families of Nicole Simpson and Ron Goldman, however, decided to take Simpson to civil court and sue him on behalf of the victims for loss of life. The jury in the civil case found Simpson guilty and ordered him to pay \$33,000,000.

Types of Civil Cases

Hand out *Activity Sheet 6-5: Studying About Civil Law*. Read through it orally and have the students highlight the essential ideas. Note: This sheet could be given out in the previous lesson and reading it assigned for homework.



Add this further information to clarify the following civil cases:

- Contract disputes – someone does not meet the obligations set out in a written agreement.
- Divorces – A couple wants to have their marriage legally dissolved.
- Custody disputes - concerns any minor children and which parent they will live with.
- Contested wills and estates – a family member may be unhappy with the assets left to them after a relative dies.
- Personal injury - disputes caused by a motor vehicle, a fall or other accidents on private or public property (such as a work place).

■ Extension Activities

1. IT COULD BE A THRILLER...

Set aside part of the bulletin board in the class to follow the legal issues in Michael Jackson's estate. Two areas of contention may be child custody and control of the money. Access the Internet, TV shows and magazines and other print materials for updates. The class could set aside five minutes to discuss the developments during current events time.

2. TAKE YOUR CIVIL CASE TO COURT

Divide the class into five groups. Write the names of five types of civil law on slips of paper and have a student from each group pick a slip of paper. It is their task to write a scenario about the civil law category they chose with at least four questions. Each group could present its scenario orally to the rest of the class and have the rest of the students offer answers to the questions. One student could be the judge, who would decide for or against the plaintiff after hearing the arguments.

Activity 3: A Death, a Bird and Lots of Money

Hand out *Activity 6-6: A Death, a Bird and Lots of Money* and read it together with your students. Then have them complete the questions.

Activity 4: Criminal and Civil Law Quiz

Have your students do *Activity Sheet 6-7: Criminal and Civil Law Quiz* for assessment.

■ Assessment

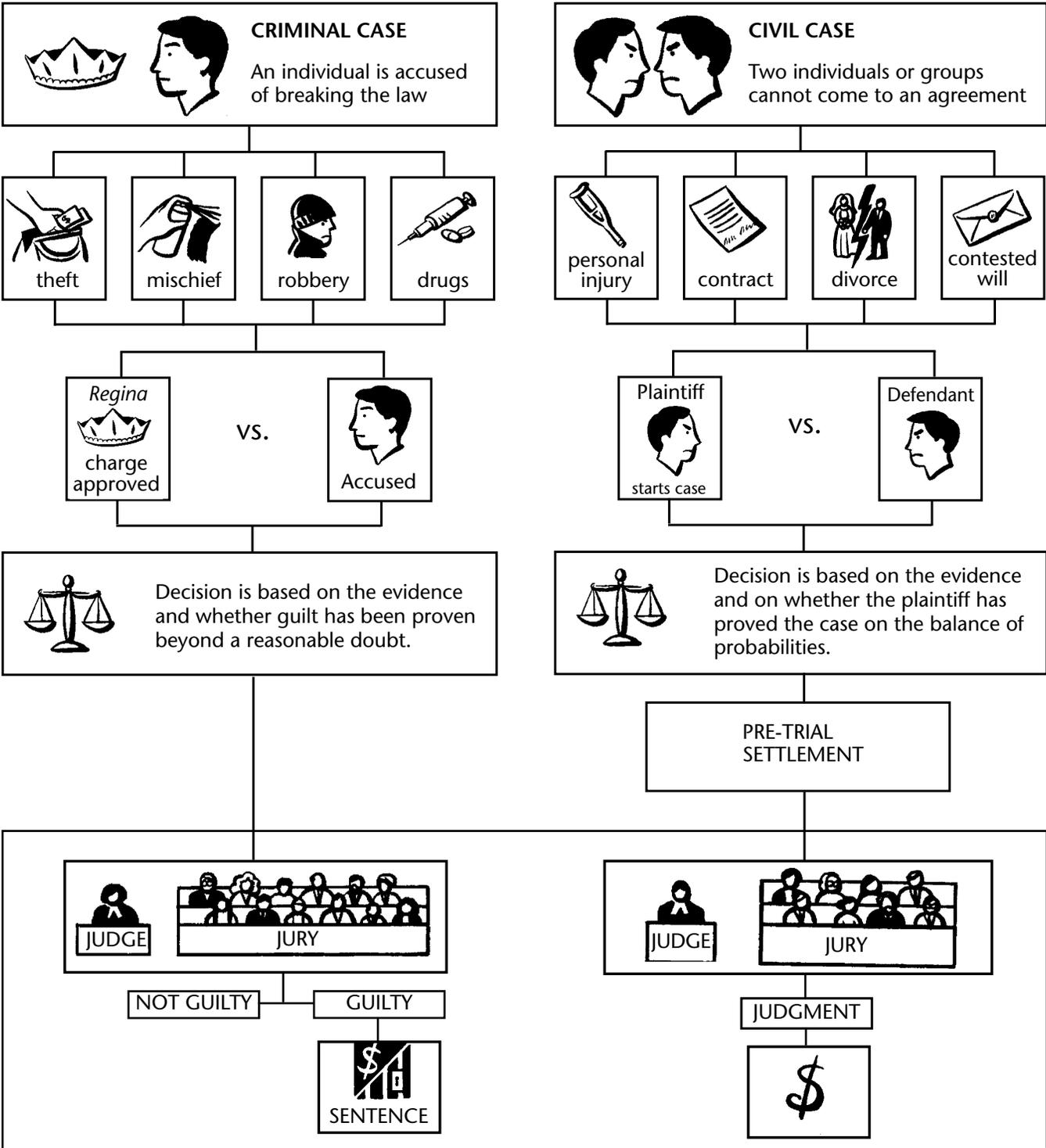
Do assessments throughout the lesson and/or give *Activity Sheet 6-7: Criminal and Civil Law Quiz* at the end of the lesson.

■ Get Involved

MOCK TRIALS

- Mock trials are an excellent way to give the students an understanding of what it is like to be a participant in a case brought to court. You may wish to use the trials as "readers' theatre" and invite another class in to hear the case. Or you may want to read or perform your trial in a real courtroom. Contact the Justice Education Society office in your region to book court time. <http://www.JusticeEducation.ca>
- If you want to involve a larger audience that includes parents, you might consider producing the play with dialogue memorized and acted, costumes and a jury composed of school staff, student and parents. Stage the play at night to allow working parents to attend.
- The criminal trial, "*Regina v. Frankenstein*" and the civil trial "*Humpty Dumpty v. His Majesty the King*" are included in the *Appendix: Mock Trials* and other trials are available through the Justice Education Society. THE FUN OF A SCRIPTED MOCK TRIAL IS THAT YOU KNOW EVERYTHING EXCEPT THE VERDICT!

Criminal Law vs. Civil Law



The vast majority of criminal and civil cases are heard by a judge alone.
Cases with a jury are in the minority.

Activity Sheet 6-1: Don't Forget Your Courtroom Vocabulary!

Lesson Six

Name: _____ Date: _____

Accused: The person who is charged with committing a crime.

Actus Reus: Latin name for "guilty act" or the commission of a crime.

Civil Law: The area of law that deals with conflict between individuals or between individuals and organizations.

Crime: An act committed when a person breaks a law of our society.

Criminal Code of Canada: A statute that combines a description of crimes and criminal law procedure.

Criminal Law: A category of public law that punishes behaviour that results in injury to people and/or property.

Crown Counsel: Lawyers representing the government in a criminal case.

Defence Counsel: Lawyers representing the accused in a criminal case.

Judge: Presides over the trial, instructs the jury, settles legal arguments and decides on the sentence.

Jury: A group of 12 people in a criminal trial or eight people in a civil trial who decide the outcome of the case. Note: The vast majority of cases do not involve any juries.

Mens Rea: Latin name for "guilty mind" or the intention to commit a crime.

Regina: Latin name for "queen". It is used in the written charge of a criminal case.

Sentencing: Punishment given to a person convicted of committing a crime.

Verdict: The decision made by a judge or a judge and jury in a trial.



Activity Sheet 6-2: Welcome to Oz

Lesson Six

Name: _____ Date: _____



Dorothy and Toto find themselves in a strange land with some very strange characters! Assume that our laws exist in Oz and answer YES or NO to the following questions:

1. Is it a crime for the Wicked Witch of the West to imprison Dorothy in her castle? _____
2. Is it a crime for the Wizard to pretend he has special powers in order to control people? _____
3. Does Dorothy need to have Toto on a leash in Emerald City? _____
4. Can the Witch sue Dorothy for damaging her house when she landed in Oz? _____
5. When Dorothy is in Emerald City does she have to obey the city's laws? _____
6. Can the Witch be charged with a crime if she tries to set fire to the Scarecrow? _____
7. Can Dorothy be charged with murder for throwing water on the Witch, which supposedly killed her? _____
8. Can Dorothy take the Wizard to Court if he does not give her the transportation back to Kansas that he promised her? _____

Activity Sheet 6-2: Welcome to Oz

Lesson Six

KEY

Dorothy and Toto find themselves in a strange land with some very strange characters! Assume that our laws exist in Oz and answer YES or NO to the following questions:

1. Is it a crime for the Wicked Witch of the West to imprison Dorothy in her castle? **Yes, this is kidnapping and forcible confinement.**
2. Is it a crime for the Wizard to pretend he has special powers in order to control people? **Yes, this is fraud.**
3. Does Dorothy need to have Toto on a leash in Emerald City? **Yes, this is to comply with an animal control bylaw.**
4. Can the Witch sue Dorothy for damaging her house when she landed in Oz? **Yes, in Civil Court.**
5. When Dorothy is in Emerald City does she have to obey the city's laws? **Yes.**
6. Can the Witch be charged with a crime if she tries to set fire to the Scarecrow? **Yes, the crime would be assault or attempted murder.**
7. Can Dorothy be charged with murder for throwing water on the Witch, which supposedly killed her? **Yes, but the Crown would have to prove intent to harm the Witch.**
8. Can Dorothy take the Wizard to Court if he does not give her the transportation back to Kansas that he promised her? **Yes, this is breach of contract.**



Activity Sheet 6-3: Studying About Criminal Law

Lesson Six

Studying About Criminal Law

<p>Hey, have you studied for our criminal law test yet?</p> <p>No, not yet. Do you remember what happens when a crime is committed?</p> 	<p>Yes, the person who is charged is either arrested or summoned to court to answer the charge.</p> <p>Oh, I know! That person is called the accused. What's the action and intent of an offence called?</p> 	<p>The action is the <i>actus reus</i> and the intent or guilty mind is the <i>mens rea</i>. Proof of both is needed to convict.</p> <p>So if you start a fire on purpose then it is arson but if you start it accidentally then you may not be convicted.</p> 
<p>That's right! Do you know why a criminal case starts with the word "<i>Regina</i>"?</p> <p>It's Latin for "queen." The Queen is the head of our government. The government charges the accused.</p> 	<p>What does the lawyer called "Crown counsel" do when someone is charged with an offence?</p> <p>Oh, he or she has to present evidence to prove that the accused is guilty as the accused is innocent until proven guilty.</p> 	<p>Does the judge or the jury have to be sure that the accused is guilty?</p> <p>Well, the burden of proof is beyond a reasonable doubt; there must be no doubt based on good reasons!</p> 
<p>You know there are only 12 people on a criminal jury. When can a person be tried by a jury and not a judge?</p> <p>If the penalty is serious such as over five years imprisonment then the accused can request a jury trial.</p> 	<p>If a jury cannot decide unanimously that the accused is guilty then what happens to the case?</p> <p>Then there is a hung jury and a new trial may be ordered. The Crown would then decide to proceed or not.</p> 	<p>If found guilty, the accused's sentence could include a fine, probation, a suspended sentence or imprisonment.</p> <p>Judges sentence in the Supreme and Provincial Courts. Good luck on the test.</p> 

Activity Sheet 6-4: Criminal Law and Sentencing Options

Lesson Six

Name: _____ Date: _____

The judge has the following sentencing options:

ABSOLUTE DISCHARGE: Releasing a convicted offender and erasing his or her criminal record after one year.

CONDITIONAL DISCHARGE: Releasing a convicted offender under certain terms and erasing his or her criminal record after three years providing the terms have been met.

PROBATION: Allowing a convicted offender to live in the community under the supervision of a parole officer.

A FINE: Ordering a specific amount of money to be paid to the court as penalties for offences.

A SUSPENDED SENTENCE: Providing that certain requirements set out by the judge are met, the judgment (sentence) is not carried out.

PRISON: A period of confinement set by the judge in accordance with guidelines set out in the *Criminal Code*.

Read the following criminal case scenarios and answer the questions.

1. John's dog, Herbert, was barking and annoying the neighbours in his apartment block late into the night. Finally John's next-door neighbour, Fred, knocked on John's door and complained. John accused Fred of making more noise with his music than Herbert ever made with his barking. A shouting match resulted which developed into a shoving match. Fred was knocked down and broke his ankle. An ambulance and the police attended. John was charged.

- What was John charged with? _____
- If you were writing the name of this case what would be the first word?

- Who has to prove beyond a reasonable doubt that the accused is guilty?

- What level of court would this case be tried in? _____
- If John is found guilty, what would a possible sentence be?

2. Shelly was shopping at The Bay with her friends. She saw a sweater on sale that she wanted to buy, but she didn't have quite enough money and her friends could not lend her what she needed. While her friends were asking a sales clerk about some jackets, Shelly quickly grabbed the sweater and stuffed it in her backpack. A store security person saw her and called the police. Shelly was charged.

- What would the charge be? _____
- If this case goes to court, would it be tried before a judge or a judge and jury?

- In the written charge, Shelly would be known as the _____
- Why would prison not be a likely possibility in this case?

Read the following criminal case scenarios and answer the questions.

1. John's dog, Herbert, was barking and annoying the neighbours in his apartment block late into the night. Finally John's next-door neighbour, Fred, knocked on John's door and complained. John accused Fred of making more noise with his music than Herbert ever made with his barking. A shouting match resulted which developed into a shoving match. Fred was knocked down and broke his ankle. An ambulance and the police attended. John was charged.
 - What was John charged with? **Assault**
 - If you were writing the name of this case what would be the first word? **Regina**
 - Who has to prove beyond a reasonable doubt that the accused is guilty? **Crown**
 - What level of court would this case be tried in? **Provincial**
 - If John is found guilty, what would a possible sentence be? **A suspended sentence**
2. Shelly was shopping at The Bay with her friends. She saw a sweater on sale that she wanted to buy, but she didn't have quite enough money and her friends could not lend her what she needed. While her friends were asking a sales clerk about some jackets, Shelly quickly grabbed the sweater and stuffed it in her backpack. A store security person saw her and called the police. Shelly was charged.
 - What would the charge be? **Theft**
 - If this case goes to court, would it be tried before a judge or a judge and jury?
Judge because the crime is not serious enough for a jury trial.
 - In the written charge, Shelly would be known as the **accused**.
 - Why would prison not be a likely possibility in this case?
The case is not serious enough to warrant imprisonment. The judge's options could include probation, community service, conditional or absolute discharge.

Studying About Civil Law

<p>We both got great marks on our criminal law test. So what do you know about civil law?</p> <p>Well, I know that everything that is not criminal or quasi-criminal law is civil law! What else is different?</p> 	<p>Civil cases involve disputes between individuals or groups and one side starts the civil action.</p> <p>That's right! The plaintiff is the one who is suing and the defendant is the one who is being sued.</p> 	<p>The burden of proof is on the balance of probabilities. So if one side is more correct then they win!</p> <p>Most civil cases are settled out of court but where the parties cannot agree then the case goes to trial.</p> 
<p>What are some of the types of civil cases, which a court might hear?</p> <p>Contract disputes, divorces, custody disputes, personal injury cases and contested wills or estates.</p> 	<p>Civil law basically covers any type of case that is not criminal. Are there juries in civil trials?</p> <p>Yes, the jury is smaller with only eight members and they are usually used in personal injury cases.</p> 	<p>I remember that the civil jury does not have to all agree on the same verdict. Only six out of eight need to agree!</p> <p>That's right but they have to try to deliberate for at least three hours first. What are the penalties in civil cases?</p> 
<p>Usually the parties are suing for damages that are monetary. Which courts handle these civil cases?</p> <p>The BC Supreme Court hears cases over \$25,000 and divorce cases. The BC Provincial Court hears cases under \$25,000, as well as family and child protection cases.</p> 	<p>Who pays for civil law cases and why are they settled out of court?</p> <p>The parties pay for their own lawyers' fees and court fees. Some fees and costs will be higher if it goes to trial.</p> 	<p>Do civil cases affect society the same way that criminal cases do?</p> <p>Probably not because no one is committing a crime or breaking the criminal law. Hey, hope you get a good mark!</p> 

Activity Sheet 6-6: A Death, a Bird and Lots of Money

Lesson Six

Name: _____ Date: _____

Read the following civil case with your teacher.

Aunt Edna, a rich and unmarried lady, has died at the age of 98. Because she has no children, she has decided to leave her considerable property and money to her 3 nieces and nephews. To her niece Susan, a single mother with 2 children, Aunt Edna has left her house and one million dollars. To her second niece, Laura, Aunt Edna has left her art collection worth five million dollars. Both nieces live out of town and have rarely seen their aunt in the past 10 years. To her nephew, Jonathon, Aunt Edna has left her most prized possession – her pet parrot, Cornelius. The estate further stipulates that Jonathon will inherit \$5,000 dollars only if he keeps and takes care of Cornelius. Jonathon, who is retired on a limited income, lives close to his aunt and has been taking care of his aunt’s needs and has always been there for her in case of an emergency. When Jonathon is notified of the contents of the will, he decides to sue the estate for money (an estate is the money and possessions left when a person dies).



Questions:

1. What kind of civil case is this? _____
2. Who is the plaintiff and who is/are the defendant(s)? _____
3. If you were Jonathon’s lawyer, what reasons could you give the judge to justify giving Jonathon more of a share in his aunt’s estate? Give as many reasons as possible.

4. What arguments would the nieces’ lawyers present? Give as many reasons as possible.

Read the following civil case with your teacher.

Aunt Edna, a rich and unmarried lady, has died at the age of 98. Because she has no children, she has decided to leave her considerable property and money to her 3 nieces and nephews. To her niece Susan, a single mother with 2 children, Aunt Edna has left her house and one million dollars. To her second niece, Laura, Aunt Edna has left her art collection worth five million dollars. Both nieces live out of town and have rarely seen their aunt in the past 10 years. To her nephew, Jonathon, Aunt Edna has left her most prized possession – her pet parrot, Cornelius. The estate further stipulates that Jonathon will inherit \$5,000 dollars only if he keeps and takes care of Cornelius. Jonathon, who is retired on a limited income, lives close to his aunt and has been taking care of his aunt’s needs and has always been there for her in case of an emergency. When Jonathon is notified of the contents of the will, he decides to sue the estate for money (an estate is the money and possessions left when a person dies).

Questions:

1. What kind of civil case is this? **Contested will**
2. Who is the plaintiff and who is/are the defendant(s)? **Jonathon, the estate**
3. If you were Jonathon’s lawyer, what reasons could you give the judge to justify giving Jonathon more of a share in his aunt’s estate? Give as many reasons as possible.

Answers could include:

- **Jonathon was always helping his aunt, but the nieces never made an effort to visit. Jonathon feels he is entitled to the money with “no strings (or wings) attached”!**
- **Jonathon is on a limited income and cannot afford the food and perhaps future vet bills for Cornelius.**
- **Jonathon lives in an apartment block that doesn’t allow pets, so he would have to move.**
- **Cornelius doesn’t like Jonathon and Jonathon doesn’t like Cornelius.**

4. What arguments would the nieces’ lawyers present? Give as many reasons as possible.

Answers could include:

- **Aunt Edna was of sound mind and her wishes should be carried out.**
- **Susan had no one to leave her children with and did not have the money to travel to Aunt Edna, but she still called her aunt to check on her well being.**
- **Laura is an art lover and has no intentions of profiting from her aunt’s art by selling it.**

Activity Sheet 6-7: Criminal and Civil Law Quiz

Lesson Six

Name: _____ Date: _____

1. Match the following definitions with the correct vocabulary word:

- | | |
|----------------------------|---|
| a. Defendant_____ | 1. Latin word for "Queen" |
| b. Sentencing_____ | 2. A group of people who decide a verdict. |
| c. <i>Regina</i> _____ | 3. Punishment given to a person found guilty of committing a crime. |
| d. Jury_____ | 4. The person who begins a civil action |
| e. <i>Actus Reus</i> _____ | 5. The person who is being sued in a civil action. |
| f. Plaintiff_____ | 6. The act of carrying out of a crime. |



2. Write criminal or civil next to each case.

- Mary borrowed her friend's iPod without asking and did not return it. _____
- John hit his coach after his coach called him a loser. _____
- Mr. & Mrs. Jones went to court to decide who would have custody of their children. _____
- Mr. Black sued ABC Roofing for not completing repairs to his roof. _____
- Ms. Smith kept some money instead of depositing it in the safe at the bank where she works! _____
- The Tip Top Car Company sold Harry a car that had been in a serious accident without telling Harry about the car's previous damage and repairs. _____

3. Fill in the Blanks

- There are 2 parts to a crime. _____ and _____.
- There are _____ members on a criminal jury.
- If the jury cannot agree on a verdict, it is called a _____ jury.
- The _____ decides on the sentencing after the verdict has been reached.
- The settlement in a civil trial is for _____.
- In a civil case there are _____ members on the jury.
- What is the burden of proof in a criminal case? _____.
In a civil case? _____.

Activity Sheet 6-7: Criminal and Civil Law Quiz

Lesson Six

KEY

1. Match the following definitions with the correct vocabulary word:

- | | | |
|----------------------|----------|---|
| a. Defendant | 5 | 1. Latin word for "Queen" |
| b. Sentencing | 3 | 2. A group of people who decide a verdict. |
| c. <i>Regina</i> | 1 | 3. Punishment given to a person found guilty of committing a crime. |
| d. Jury | 2 | 4. The person who begins a civil action. |
| e. <i>Actus Reus</i> | 6 | 5. The person who is being sued in a civil action. |
| f. Plaintiff | 4 | 6. The act of carrying out of a crime. |

2. Write criminal or civil next to each case.

- Mary borrowed her friend's iPod without asking and did not return it.
Civil (conversion) or Criminal (theft)
- John hit his coach after his coach called him a loser.
Civil (assault) or Criminal (assault)
- Mr. & Mrs. Jones went to court to decide who would have custody of their children.
Civil (family law)
- Mr. Black sued ABC Roofing for not completing repairs to his roof.
Civil (breach of contract)
- Ms. Smith kept some money instead of depositing it in the safe at the bank where she works!
Criminal (theft) or Civil (conversion)
- The Tip Top Car Company sold Harry a car that had been in a serious accident without telling Harry about the car's previous damage and repairs.
Civil (fraudulent misrepresentation) or Criminal (fraud)

3. Fill in the Blanks

- There are 2 parts to a crime. **Actus reus** and **mens rea**.
- There are **12** members on a criminal jury.
- If the jury cannot agree on a verdict, it is called a **hung** jury.
- The **judge** decides on the sentencing after the verdict has been reached.
- The settlement in a civil trial is for **money**.
- In a civil case there are **8** members on the jury.
- What is the burden of proof in a criminal case? **Beyond a reasonable doubt**.
In a civil case? **On the balance of probabilities**.

Lesson 7: Alternative Dispute Resolution

■ Overview

This lesson provides a basic survey of methods of dispute resolution. Though litigation is a traditional process for settling disagreements, there are a number of reasons why resorting to the courts may not be appropriate in all cases. Some other options for dispute resolution include mediation, arbitration, negotiation and collaborative law. Lawyers also engage in a number of pre-court processes, such as mandatory mediation. Students will be able to define, discuss and evaluate the appropriateness of various dispute resolution methods.

■ Objectives

Students will:

- Demonstrate a basic understanding of the pre-court process with lawyers.
- Demonstrate a basic understanding of the different methods for dealing with disagreements.
- Evaluate the appropriateness of different dispute resolution processes in a variety of situations.

Focus Questions:

- What is dispute resolution?
- What are some dispute resolution processes?
- What are some pre-court dispute resolution processes?
- Why do we have dispute resolution processes other than going to court?
- What might some advantages and disadvantages be of some of the more commonly used dispute resolution processes?

■ Basics for the Teacher

Vocabulary

Arbitration: Where disputes are submitted to a neutral adjudicator through presentation of evidence and arguments.

Child Protection Mediation Program: Where the parents and the director can choose to use mediation in situations where a child has been removed from an unsafe living environment.

Collaborative Law: A process, used mainly in family disputes, where the parties and their lawyers make a formal commitment to resolve the dispute outside the litigation process in an atmosphere of trust and collaboration.

Court Mediation Program: A program that provides mediation services to assist people in resolving disputes early in the small claims court process, before a judicial settlement conference or a trial takes place.

Litigation: A formal method of resolving disputes that involves bringing a civil action or lawsuit to solve the dispute.

Mediation: Where a neutral third party (the mediator) intervenes to bring the two opposing parties to an agreement.

Mini Trial: A private meeting between the parties (and their lawyers) and a judge where, after discussion, the judge will give his or her opinion about what would most likely happen if the case were to go to full trial.

Negotiation: Any form of “unfacilitated” communication in which opposing parties discuss steps they could take to resolve a dispute between them.

Notice to Mediate: Enables a party to a lawsuit to make an informed assessment that mediation would be productive and then to require the other parties to attend a mediation session.

Parenting After Separation: A three-hour information session to help parents make informed choices about separation and conflict, taking into account the best interests of their children.

Settlement Conference: Describes a broad range of activities involving an informal dialogue between a judge, legal counsel and sometimes parties, before a trial.

Content

See *Activity Sheet 7-1: Alternative Dispute Resolution* for the information you will need to know to teach this lesson. The notes on mediation, collaborative law and litigation will help you with the Speaker’s Corner activity.

■ Student Handouts

Activity Sheet 7-1: Alternative Dispute Resolution

Activity Sheet 7-2: Speaker's Corner

■ Instructions for the Teacher

Activity 1: Alternative Dispute Resolution

- Ask students to imagine a scenario where they are faced with a basic problem, such as fixing a plugged sink.

Ask: *How are you going to deal with it? What options are open to you? What are the advantages and disadvantages of each option?*

1. *You could do nothing. You will not fix the problem, nor be able to use the sink but doing nothing will cost you nothing. The situation may, however, become stressful, as you will have to face it everyday and it may start to smell and become unsanitary. (This is similar to avoiding or ignoring a legal problem.)*
2. *You could try to fix it yourself by first doing some research at the library or on the internet. Perhaps you might buy a guide to help you or attend a class to learn about how to fix the problem. You may need to spend some money to fix it such as buying a plunger or other draining product. However, if things did not go well, it might end up causing you stress and costing you more money than you would have paid to have it fixed properly. (This is similar to negotiation in legal matters.)*
3. *You could hire someone qualified to help you fix it. This will depend on your financial situation and on how much help you can afford and for how long. (This is similar to mediation or unbundled legal services.)*

4. *You could hire someone qualified to tell you what to do and to do it. You could get a completely new sink. This would cost money for the new sink as well as for a qualified person to install it. This option is completely dependent on your financial situation. (This is similar to retaining a lawyer and litigation.)*

- Advise students that when problems arise between people, there may be just as many, or even more options for resolving the dispute. Some options are more pleasant or unpleasant than others, depending on your individual circumstances and preferences. In this lesson, we are going to look at some common legal processes for resolving disputes.
- Have students read out loud the *Activity Sheet 7-1: Alternative Dispute Resolution* about some of the processes that lawyers and people deal with prior to ending in the courts.

OR

Cut the three pages into sections. Divide the class into eight groups. Have each group read their description and prepare presentations to the whole class on what their section means.

Activity 2: Speaker's Corner

- To familiarize students with the Speaker's Corner idea, provide the following information.
- **What is Speaker's Corner?**
"Speaker's Corner" is an interactive street-level forum at various locations throughout Vancouver and Victoria. The Speaker's Corner video booth lets everyday citizens have their say. Citizens push the green button on one of the automated video booths to speak their mind. Speaker's Corner empowers people to open their hearts and minds

Did You Know...?

For over 150 years, Speaker's Corner has been one of London's most unique and eccentric attractions. On any given Sunday morning, anyone who has an opinion to air and anyone who will listen will gather at the point where Oxford Street and Hyde Park meet and carry on this oral tradition. Londoners engage in earnest, open conversations that can quickly become loud and contentious debates. There is no parliamentary procedure and it is free of charge. Speakers require no qualification or invitation. It is an open forum allowing for grassroots democracy.



and be heard by the viewing public, as people discuss everything from politics and current affairs to new ideas and proposals. Then, every Saturday at 6:30 pm, CityTV airs a half hour program of public testimonials, performances and real life drama culled from the best submissions of the week.

- **Task**

Group students into pairs and distribute the *Activity Sheet 7-2: Speaker's Corner*. Review the instructions on the sheet and then randomly assign each pair a scenario from those given at the bottom of the sheet. There may be some overlapping of topics (however, not all groups with similar topics will come up with the same strategy or rationale for resolving the dispute). Allow students suffi-

cient time to prepare their speeches and then have student groups take turns presenting their speeches in front of the class, pretending they are on Speaker's Corner. Speaker's Corner does not have a specified format, so students have flexibility in how they choose to get their messages across to the wider public.

Descriptions of the three processes are provided at the end of the answer key scenarios. The responses in the answer key include some basic considerations the students may respond with but other answers are possible.

■ Assessment

Speaker's Corner and student discussion and responses to questions can be used for assessment.

■ Extension Activities

1. In groups of three, representing a negotiator and two parties in a dispute, you can role play a negotiation. Negotiation skills are the building block for mediation skills so this will help you understand the first steps in resolving a dispute. You need to consider the following:

- What are the interests of each party? These are the underlying motivators or basic needs and include a) hopes and expectations; b) fears and concerns; and c) values that are important to the parties involved in the dispute.
- What kind of questions could one ask in order to dig and get someone to talk about their interests? (For example, "What is it about this problem that is important to you?") Phrase the questions less confrontationally so that you can dig a bit deeper with each question to discover what is really important to the parties. Try to use questions that go to the root of the problem. (For example, "When this happens, how does that make you feel?")

Prior to your negotiation you will need to choose a topic for the negotiation such as parents mediating custody of children,



employers and employees disagreeing over safety conditions in the workplace or two neighbours disagreeing over the cutting down of trees on the boundary line between their properties. You could also choose to role play the scenario you worked on for Speaker's Corner. Once you have the topic, prepare five questions that you could use to get the parties to talk about what is really important to them. Discuss the questions in your group, pick your roles and enact the role-play.

2. After negotiation the next step may be mediation. The mediator is trying to find common ground between the parties to move the process closer to a resolution. The mediator acts more like a facilitator and not like a judge. Mediators do not take submissions, analyze positions and then take control of

explaining the situation/options to the parties as that is adversarial and more like the process of litigation. Some mediators do not, as a point of principle, read participant submissions beforehand so as not to be biased before entering the mediation. The point of mediation is all about the talking and all about getting the participants past their positions. Participants may not even really understand their motivations prior to talking things out in mediation – that is why the role of the mediator is extremely important. The role of the mediator is very complex and difficult.

You can research what education, training, and qualifications are needed to become a certified mediator and describe your findings in a coherent paragraph.

(Answers may vary, but should include the following: There is no overall governing professional body which certifies or licences mediators and no legislation which requires that specific standards be met before mediators are allowed to practice. There are, however, a number of dispute resolution organizations in the province which provide standards of practice for mediators.)

To be admitted to the Family Roster of the BC Mediator Roster Society:

- Mediators must have either certification by Family Mediation Canada.
- For non-lawyers, at least 40 hours of training in family law and procedures and insurance coverage or at least 80 hours of core education in conflict resolution and mediation theory and skills training.
- At least 24 hours focusing on issues related to family dynamics in separation and divorce
- A university or college degree in law, social sciences or related field.
- Completion of a minimum of 200 hours of mediation work over the course of a minimum of 20 family mediations over the past 5 years, as sole mediator or as co-mediator in an accepted practicum.
- Letters of reference.
- Insurance coverage.

■ Get Involved

Go to <http://www.adminlawBC.ca> and book a speaker to come speak about mediation to the class. Prepare questions for the class to pose to the speaker. Help your class prepare for the visit.

Activity Sheet 7-1: Alternative Dispute Resolution

Lesson Seven

Introduction

There are a range of methods for resolving disputes. Some are collaborative (the parties working together to a common goal, increasing understanding and maximizing satisfaction with the result) and some are adversarial (me v. you, win: lose, with the problem often stated in terms of monetary value). We all experience conflict. There are many ways to resolve disputes. Sometimes we talk to the other person informally (discussion), sometimes we have more structured direct discussions (negotiation), sometimes we involve a neutral 3rd party to help facilitate discussion (mediation), sometimes we need someone to make a decision for us in a more formal setting and based on our direct input (arbitration) and sometimes we need a very formal, highly structured process where we hire someone to argue for us (if we can afford it) and a neutral 3rd party makes a decision for us (litigation).



As the process becomes more structured and formal the:

- Individual has less control over the outcome.
- More likely the parties are to involve professional help (mediators, lawyers, arbitrators or judges).
- More expensive the process.
- More public the process and the results.
- Less personal commitment the parties have to upholding the outcome.

Negotiation

For the vast majority of disputes, the parties do not have to resort to the courts but are able on their own or with some help to resolve their disputes. Negotiation may be appropriate. **Negotiation**¹ is any form of “unfacilitated” communication in which people involved in a dispute discuss steps they could take to resolve a dispute between them. Negotiation can occur directly between the parties or indirectly through agents acting on behalf of the parties, such as lawyers.

However, not all disputes can be easily settled by negotiation. Sometimes one of the parties has much more power, knowledge or negotiating skill over the other and can come to an agreement that would be unfair to the weaker party. It is also easy to get sidetracked by your emotions in negotiation, instead of focusing on the real issues.

¹BC Dispute Resolution Office Bulletin: Dispute Resolution Terminology <http://www.ag.gov.bc.ca/dro/publications/bulletins/terminology.htm>

Mediation

Another process to resolve disputes that does not involve the courts is **Mediation**. In mediation, an impartial third party, the mediator, helps the parties discuss their dispute and come to a mutually agreeable solution. The mediation takes place in a private, informal setting, where the parties actively participate in the negotiation and design of the settlement agreement. The mediator is trained to help people settle conflicts collaboratively and has no decision-making power. The dispute is settled only if all of the parties agree to the settlement and the responsibility for resolving the dispute is with the parties. With the help of the mediator, who skillfully facilitates the discussion between the parties, the parties get to move beyond their stated positions (“I want X!”) to talk about what is really important and why. For example, a conflict of positions is when both parties say, “I want the apples” but a mediator would ask the parties to talk about what it is about the apple that is important to the parties. If A says, “The apples are necessary so I can make apple pies to sell for the fundraiser” and B says, “I need the apples for their seeds, so I can grow apple trees.” Having a neutral, third party mediator may save money and time as the parties may be able to resolve the dispute without litigation.

However, sometimes the mediator is not able to help resolve the dispute. In these cases, the mediation may however result in a better understanding on both sides, a greater focus and faster resolution if the dispute then proceeds to a more formal process involving an external decision maker. Mediators will recommend that the participants in mediation seek legal advice on any agreement reached in mediation. Where one person in the mediation has less power, the mediator will take steps to correct for power imbalance and if they cannot do so, are able to end the process. Mediation is usually an interest-based process and not a rights-based process, so it is acceptable to make an informed choice to trade off on a right if it meets a deeper interest. Many people who have experienced mediation feel that mediation is extremely powerful and has a deeper legitimacy because those involved have created the resolution to their dispute, so they have a deeper personal commitment to following through on the agreement they have made. Especially where there is an ongoing relationship (i.e. children to be raised), mediation creates a better understanding of the other’s interests and creates productive and cooperative communication experiences that help build skills to support the ongoing relationship.

Conferences

A **Settlement Conference** describes a broad range of activities involving an informal dialogue between a judge, legal counsel and sometimes parties, before a trial.² This process is usually geared toward settlement or trial preparation. Some goals of the process are to settle disputes, get the lawsuit to proceed in a timely way, discourage wasteful pre-trial activities and improve efficiency of the trial through more thorough preparation.

During a family law proceeding, a **Family Judicial Case Conference** could be held. This is a private, informal meeting with the judge and the parties and their lawyers (if represented) for about one hour to identify the legal issues, discuss options for resolution other than trial and to discuss trial management issues such as setting dates and other pre-trial procedures.

²BC Dispute Resolution Office Bulletin : Dispute Resolution Terminology <http://www.ag.gov.bc.ca/dro/publications/bulletins/terminology.htm>

Collaborative Law

Collaborative Law³ is a process, used mainly in family disputes, where the parties and their lawyers make a formal commitment to resolve the dispute outside the litigation process in an atmosphere of trust and collaboration. Lawyers are hired to reach a settlement and if the process breaks down the lawyer must withdraw from the case. Lawyers and parties pledge to work together in a respectful and cooperative manner to resolve the dispute. Lawyers participating in the process often undergo special training in the collaborative approach. Lawyers and parties agree not to use litigation or the threat of litigation as long as the parties are in the collaborative process. Lawyers will withdraw from the case if it cannot settle collaboratively or if they or their client breach the participation agreement. Other lawyers must be retained if the case goes into the litigation process. Parties and their lawyers agree to disclose information or material needed to assist the parties in achieving settle-

ment. Such an approach can often be less expensive and time consuming than litigation and can lead to a positive result that will help parties maintain a positive future relationship.

However, there may be instances where collaborative law would not be an appropriate process for the parties. It is a process based on good faith and if one party has a history of not being honest, this process may not be the best way to resolve a dispute. This type of process is also inappropriate where one of the parties wants punitive action (to punish the other side), nor where there is a pattern of violence or inequality of bargaining power in the relationship between the parties. Court-ordered methods of forcing a party to provide information will not be available in this process. Also, if one of the parties is trying to vindicate itself or publicly defend itself from accusations of wrongdoing, this process may not be ideal.

³BC Dispute Resolution Office Bulletin: <http://www.ag.gov.bc.ca/dro/publications/bulletins/collaborative-law.htm>

Arbitration

Arbitration⁴ is where disputes are submitted to a neutral adjudicator through presentation of evidence and arguments. The arbitrator is empowered to render a binding decision. Arbitration is generally a private, voluntary method of adjudication; however, government sometimes requires that certain disputes be submitted to arbitration (e.g., disputes under the *Residential Tenancy Act*). Also, a contract may provide that disputes will be resolved by arbitration rather than litigation.

However, arbitration is an adversarial process that pits one person against the other and therefore usually does not improve the relationship between the parties. Decision making is also not in the hands of the parties, but instead the arbitrator. There is less predictability than the courts in the sense that certain procedures may vary from one arbitration to the next, such as the rules around evidence. The ability to appeal an arbitration award is very limited and arbitration awards do not set precedent, as they are generally not reported and do not bind anyone except the parties.

⁴BC Dispute Resolution Office Bulletin, *supra*.

Litigation

Litigation is a formal method of resolving disputes that involves bring a civil action, or lawsuit, to solve the dispute. It is an imposed final decision that legally binds the parties. Court-based decisions are based on previous decisions and in that sense provide some predictability and also have built-in safeguards to ensure fairness, such as rules about evidence and court procedure. Court decisions can also be appealed. The dispute will be handled by people with legal expertise, people who are familiar with the safeguards for protecting the parties' rights and ensuring fairness (judges). The courts may even involve other parties with specific expertise, such as scientific experts, to help understand the full extent and nature of the problem. Sometimes, just the mere "threat" of liti-

gation can motivate parties to settle the dispute outside of court. Generally speaking, courts are open to the public and in that sense provide a sense of transparency (as opposed to the idea of "behind closed doors" negotiations).

However, litigation is very expensive (making it impossible for some to have their day in court) and is adversarial. Control over the process is in the hands of lawyers (when the parties have a lawyer) and judges and imposed decisions can drive parties further apart and make their future relationship more awkward or difficult. The courts are overbooked and sometimes it can take years to have a dispute heard and then months after that before a decision is made.

Programs

It's not too late to mediate!

There are a number of pre-court processes to encourage early settlement of disputes that are less expensive than formal court processes. These include the Notice to Mediate process, the Child Protection Mediation Program and the Court Mediation Program.

The **Child Protection Mediation Program**⁵ and Family Group Conferences are two ways to solve problems when a child is in an unsafe living environment. Another person, a mediator or conference coordinator, who is specially trained and neutral, helps the family, children and social worker work together to come up with a plan for the safety and care for the child, without having to go to court for a judge to decide. There is child protection law called the "Child, Family and Community Services Act" which provides for the use of these methods of problem solving.

The **Court Mediation Program**⁶ provides mediation services to assist people in resolving disputes early in the small claims court process, before a judicial settlement conference or a trial takes place. It also allows for a practicum opportunity for trained but inexperienced mediators to practise mediation in a structured, supervised setting. Mediation services are provided at no cost to the parties. One of the goals of the program

is to reduce pressure on the provincial court by reducing delays and backlog.

The **Notice to Mediate** process enables any party to a wide range of civil, non-family actions in the Supreme Court to make an informed assessment that mediation would be productive and then to require the other parties to attend a mediation session.⁷

There is a mandatory information program for parents who are going through the separation/divorce process.

Parenting After Separation⁸ is a free, three-hour information session for BC parents and others who have responsibility to make decisions for children.

Sessions are sponsored by the Ministry of Attorney General. Their purpose is to help people make informed choices about family separation that take into account the best interests of children. Facilitators experienced in helping families lead the session and use videos, handouts and interaction with participants to address the impact of separation, the full range of dispute resolution options available and child support guidelines.

In 13 locations in the province, the Provincial Court requires most people to attend a PAS session before proceeding to court to obtain or change a child support, custody, guardianship or access order.

⁵BC Dispute Resolution Office Bulletin: <http://www.ag.gov.bc.ca/dro/child-protection/index.htm> .

⁶BC Dispute Resolution Office Bulletin: <http://www.ag.gov.bc.ca/dro/publications/bulletins/court-mediation.htm>

⁷BC Dispute Resolution Office Bulletin: <http://www.ag.gov.bc.ca/dro/publications/bulletins/general.htm>

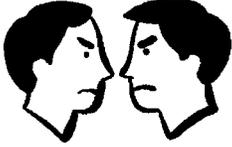
⁸BC Dispute Resolution Office Bulletin: <http://www.ag.gov.bc.ca/dro/publications/bulletins/parenting-after-separation.htm>

Scenarios for Speaker's Corner

1. A divorce case, where a local celebrity couple has a teenaged child and both parents plan to move to different cities after the divorce. They have difficulty agreeing on the terms of dividing up the family property and custody/visitation over the child. The celebrity couple's divorce has been mentioned in the media. Which process is best in this scenario and why? What does your process involve, how does it work and how will it be appropriate and a good choice in the circumstances?


2. A toxic spill case, where a farmer has his land contaminated by a neighbouring gas station. When the gas station was having its underground tanks filled up, the pipe came loose and spilled gallons of gasoline into a nearby stream on the farmer's land that is used for drinking water and for watering his fields. The water in the stream is now contaminated. The gas station claims it was a freak accident and does not feel responsible, while the farmer seeks redress for the damage and inconvenience he has suffered. Which process is best in this scenario and why? What does your process involve, how does it work and how will it be appropriate and a good choice in the circumstances?
3. Owners of a downtown condominium have recently discovered that they have a "leaky condo". When the building was constructed, the builder used a cheap, substandard waterproofing membrane product in order to save money. Now, water is seeping through the walls and floor and is causing water damage as well as mold. It will cost at least \$5 million to properly repair the condo and it will take six months to complete. Many of the owners have nowhere else to go and with each day and rainfall they are getting more concerned about the further damage that is happening in their homes. The builder feels sorry for the owners but says that it was not illegal at the time to build with the type of waterproofing membrane used and he feels it is also a case of "buyer beware". The owners do not have the \$5 million needed to complete repairs and believe it is the builder's responsibility to pay for the damage he caused. Which process is best in this scenario and why? What does your process involve, how does it work and how will it be appropriate and a good choice in the circumstances?
4. A gang of 16-year-old youths recently vandalized a local heritage building by spray painting it, breaking windows and destroying the interior. A number of one-of-a-kind and priceless paintings and photographs were ruined. The heritage building is located in a small community whose major source of revenue is tourism – many people from around the world come to visit this town, known for its Gold Rush days back in the 1800's. Although City Hall wants the youths to bear the consequences for their actions, they also want to ensure that other youth in the town see what a loss this is to the community. Which process is best in this scenario and why? What does your process involve, how does it work and how will it be appropriate and a good choice in the circumstances?



5. Two neighbouring farmers have until now had their valuable lands separated by a wooden fence. A violent storm recently destroyed the fence and the farmers want to mark the boundary between their properties with a row of trees. However, they cannot agree on where the property line should be. Each farmer has hired separate property surveyors, but due to a recent and unrelated fire, there are some missing documents in the local Records Office, making it impossible to determine exactly where the dividing line should be. Both farmers are very aware of how valuable every inch of the land is. Also both farmers are preparing to plant this season's crops before the weather turns and need to know where the boundary is before they can go ahead with planting. Due to the economic downturn, each farmer is budget-conscious and does not want to spend a lot of money to resolve this dispute. Which process is best in this scenario and why? What does your process involve, how does it work and how will it be appropriate and a good choice in the circumstances?
- 
6. A young man who works as a model purchases a coffee and donut from the local donut shop on his way to work. As he is exiting the drive-through, a squirrel runs in front of his car, forcing him to stop abruptly. The hot coffee, which had been placed in a cup holder in front of him, splashed off the lid and hot coffee spilled onto his legs and hips causing serious burns. The young man had to undergo extensive surgery, which came to \$25,000 and he has been unable to find modeling work because of his injuries. He does not have \$25,000 for his surgery bills. The donut shop is part of a well-known chain and has had at least 30 prior complaints about the unusually high temperature of its hot beverages. The donut shop says it serves its coffee at the same temperature as McDonalds and that the server had put the coffee in a protective sleeve which contained a number of written warnings on it. Unfortunately, when the media got a hold of the story and paid a surprise visit to the shop to ask about what happened, the donut shop management panicked and made some derogatory comments about the young man. These comments have now angered many members of the public. Which process is best in this scenario and why? What does your process involve, how does it work and how will it be appropriate and a good choice in the circumstances?
7. A local company that makes cold-cuts and sandwich meats recently experienced bacterial contamination of one of its specialty products. Most customers who purchased and consumed the meat experienced no problems, but the elderly customers who ate the meat contracted a serious disease and were hospitalized. The company has not had problems like this in the past, and has an otherwise good reputation. It wants to settle the issue with the elderly customers but does not want to be taken advantage of. The elderly customers do not
- 

want the issue to drag on because they do not have the time, money and energy to deal with a long process, but they “want justice”. Which process is best in this scenario and why? What does your process involve, how does it work and how will it be appropriate and a good choice in the circumstances?

8. A local singer, who is well known for her talent and also for her small canine sidekick, a Chihuahua, has recently broken up with her boyfriend. She claims her boyfriend was involved with another famous singer and called him some nasty names in the media. He, in turn, denies the allegations, but many people have already publicly shunned him. As a result, he buys a large pit bull which he lets attack the Chihuahua one night when out for a stroll along the same boardwalk that he and his ex-girlfriend used to frequent. The Chihuahua is badly injured and requires medical attention. The singer is anxious to get on with her life and to avoid as much further contact with her ex-boyfriend as possible. Which process is best in this scenario and why? What does your process involve, how does it work and how will it be appropriate and a good choice in the circumstances?
- 
9. The mayor is doing some renovations at his residence. He would like to put in a massive swimming pool in his backyard, but does not bother to get a permit for the work. City inspectors, who happen to be inspecting a building next door, take notice of the excavation for the swimming pool and, upon looking into matters further, discover the work has not been issued a permit. Which process is best in this scenario and why? What does your process involve, how does it work and how will it be appropriate and a good choice in the circumstances?
 10. A local man, legally married in Canada in a same-sex marriage, has recently lost his spouse in a car accident. He now seeks to claim survivor benefits under the Canada Pension Plan. The government, however, refuses to pay out, claiming that the benefits only apply to spouses in heterosexual marriages. Which process is best in this scenario and why? What does your process involve, how does it work and how will it be appropriate and a good choice in the circumstances?

Activity Sheet 7-2: Speaker's Corner

Lesson Seven

KEY

Your students should be covering similar points for each scenario in their speeches. These common points are below.

Mediation

- Cheaper than litigation.
- Faster than litigation. It could take up to a year or more just to get to court and the trial could take months, depending on the experts involved.
- Having someone to help in a dispute but in a less formal and intimidating way.
- Can always go to court if the mediation fails.

Collaborative Law

- Cheaper and faster than litigation.
- Each side has legal advice and advocacy at all times during the process.
- Even if one side or the other lacks negotiating skill or financial understanding or is emotionally upset or angry, the playing field is leveled by the presence of the skilled advocates.
- It is the job of the lawyers to work with their own clients and if the clients are being unreasonable, to make sure that the process stays positive and productive.
- Less worry about “mediator bias”.
- If there is an issue that cannot be resolved this way, it can be submitted to the court for determination without having the court decide on the whole divorce.

Litigation

- Provides for a completely independent adjudication.
- A trial provides certainty and closure for the parties.
- Judge will consider what similar previous cases have decided and come to a reasonable decision based on the individual circumstances.
- Judge's decision is final.

Specific points for each scenario are outlined in bold below each scenario.

Speaker's Corner Scenarios

1. A divorce case, where a local celebrity couple has a teenaged child and both parents plan to move to different cities after the divorce. They have difficulty agreeing on the terms of dividing up the family property and custody/visitation over the child. The celebrity couple's divorce has been mentioned in the media. Which process is best in this scenario and why? What does your process involve, how does it work and how will it be appropriate and a good choice in the circumstances?

Mediation: Faster if mediator can get the parties to negotiate over the property and custody (get out of the media spotlight and reduces the media attention on the child). The couple will not have to go through the time and expense of a trial and can get on with their lives and jobs.

Collaborative Law: A positive outcome will give less fuel to media and will help maintain a positive relationship during custody.

Litigation: The judge's decision is final, which may be useful when it comes to getting the parties to stick to the terms of the custody order. Judge will consider the best interests of the child.

2. A toxic spill case, where a farmer has his land contaminated by a neighbouring gas station. When the gas station was having its underground tanks filled up, the pipe came loose and spilled gallons of gasoline into a nearby stream on the farmer's land that is used for drinking water and for watering his fields. The water in the stream is now contaminated. The gas station claims it was a freak accident and does not feel responsible, while the farmer seeks redress for the damage and inconvenience he has suffered. Which process is best in this scenario and why?

What does your process involve, how does it work and how will it be appropriate and a good choice in the circumstances?

Mediation: Cheaper as the farmer may not have financial means to go to court. Faster if mediator can get the parties to negotiate over the responsibility and compensation in order to minimize the bad publicity for gas station as well as allow the farmer to start the clean-up and spend more time farming than in court. It could take up to a year or more just to get to court and then there will be the trial, which could take months, depending on the experts involved, and calculating how much damage the farmer has suffered.

Collaborative Law: Faster than litigation, so farmer can get on with clean-up and his business. A positive outcome will help maintain a positive relationship for the future, as these two parties may be stuck with each other for a long time.

Litigation: A judgment in favour of the farmer could send a message to other gas stations that they have to be more careful in their operations.

3. Owners of a downtown condominium have recently discovered that they have a "leaky condo". When the building was constructed, the builder used a cheap, substandard waterproofing membrane product in order to save money. Now, water is seeping through the walls and floor and is causing water damage as well as mold. It will cost at least \$5 million to properly repair the condo, and it will take six months to complete. Many of the owners have nowhere else to go and with each day and rainfall they are getting more concerned about the further damage that is happening in their homes. The builder feels sorry for the owners but says that it was not illegal at the time to build with the type of waterproofing membrane used and he feels it is also a case of "buyer beware". The owners do not have the \$5 million needed to complete repairs and believe it is the builder's responsibility to

pay for the damage he caused. Which process is best in this scenario and why? What does your process involve, how does it work and how will it be appropriate and a good choice in the circumstances?

Mediation : Owners may not have financial means to go to court. Minimizes the bad publicity for the builder and the owners can get on with clean-up. It could take up to a year or more just to get to court, and then there will be the trial, which could take months, depending on the experts involved and how many owners there are, as well as figuring out how much damage each owner has suffered. Also, if the builder has used this product on other buildings, there may be other lawsuits- by the time this case gets to court, the builder may go bankrupt.

Collaborative Law: Faster than litigation, so owners can get on with repair and their lives.

Litigation: If the judge finds the builder's conduct to be especially bad, the judge can award extra money to the owners. The owners might want to go to court so that the issue can get aired out in public and other condo owners as well as the general public are aware of the leaky condo problem. A judgment in favour of the owners could send a message to other builders that they have to be more careful in their operations.

4. A gang of 16-year-old youths recently vandalized a local heritage building by spray painting it, breaking windows and destroying the interior. A number of one-of-a-kind and priceless paintings and photographs were ruined. The heritage building is located in a small community whose major source of revenue is tourism – many people from around the world come to visit this town, known for its Gold Rush days back in the 1800's. Although City Hall wants the youths to bear the consequences for their actions, they also want to ensure that other youth in the town see what a loss this is to the com-

munity. Which process is best in this scenario and why? What does your process involve, how does it work and how will it be appropriate and a good choice in the circumstances?

Mediation: The City is not likely to recover the costs of the damaged property nor of the lawsuit if they sue the youth in Tort since the youth likely will not have the money to pay. Then the parties can get on with clean-up and restoration rather than wasting time in court and waiting for court. Mediation also affords a wide range of remedies, which could include the youth going out in the community to educate other youth about the value of the building and the negative consequences of committing crime.

Collaborative Law: Focus is on a positive, cooperative, successful process that models good relationships for youth.

Litigation: If the judge finds the youths' conduct to be especially bad, the judge can award extra money to the City. Depending on the circumstances, the formality of the court's processes and decision might be needed to provide the necessary deterrent for these youth.

- Two neighbouring farmers have, until now, had their valuable lands separated by a wooden fence. A violent storm recently destroyed the fence and the farmers want to mark the boundary between their properties with a row of trees. However, they cannot agree on where the property line should be. Each farmer has hired separate property surveyors, but due to a recent and unrelated fire, there are some missing documents in the local Records Office, making it impossible to determine exactly where the dividing line should be. Both farmers are very aware of how valuable every inch of the land is. Also both farmers are preparing to plant this season's crops before the weather turns and need to know where the boundary is before they can go ahead with planting. Due to the

economic downturn, each farmer is budget-conscious and does not want to spend a lot of money to resolve this dispute. Which process is best in this scenario and why? What does your process involve, how does it work and how will it be appropriate and a good choice in the circumstances?

Mediation: Mediation also affords a wide range of remedies, which could include having a "gentleman's agreement" in place until a court or the Land Registry can make a conclusive determination. Time is of the essence for the farmers' plantings and they likely will not want to sacrifice a year's worth of planting waiting for the courts.

Collaborative Law: Since these parties will likely have to put up with each other in the future for quite some time, fostering a good relationship here and now will set the tone for future dealings.

Litigation: A definitive pronouncement from the court about the boundaries may be necessary and desirable "for the record" and in case either of the parties wants to sell or transfer the land to someone else, who will want to know exactly what they are getting.

- A young man who works as a model purchases a coffee and donut from the local donut shop on his way to work. As he is exiting the drive-through, a squirrel runs in front of his car, forcing him to stop abruptly. The hot coffee, which had been placed in a cup holder in front of him, splashed off the lid and hot coffee spilled onto his legs and hips causing serious burns. The young man had to undergo extensive surgery, which came to \$25,000 and he has been unable to find modeling work because of his injuries. He does not have \$25,000 for his surgery bills. The donut shop is part of a well-known chain and has had at least 30 prior complaints about the unusually high temperature of its hot beverages. The donut shop says it serves its coffee at the same temperature as McDonalds and that

the server had put the coffee in a protective sleeve which contained a number of written warnings on it. Unfortunately, when the media got a hold of the story and paid a surprise visit to the shop to ask about what happened, the donut shop management panicked and made some derogatory comments about the young man. These comments have now angered many members of the public. Which process is best in this scenario and why? What does your process involve, how does it work and how will it be appropriate and a good choice in the circumstances?

Mediation: Model may not have financial means to go to court and it minimizes the bad publicity for the donut shop and the parties can get on with business rather than court. Wider range of solutions available compared to litigation, such as an apology for the derogatory remark.

Collaborative Law: Sends less of a message of opportunism on the model's part. Faster than litigation, so parties can get on with their lives.

Litigation: If the judge finds the donut shop's conduct to be especially bad, the judge can award extra money to the model. A judgment in favour of the model could send a message to other restaurants that they have to be more careful in their operations. The public nature of the court proceedings could also give the model more media attention, which could help his career.

7. A local company that makes cold-cuts and sandwich meats recently experienced bacterial contamination of one of its specialty products. Most customers who purchased and consumed the meat experienced no problems, but the elderly customers who ate the meat contracted a serious disease and were hospitalized. The company has not had problems like this in the past and has an otherwise good reputation. It wants to settle the

issue with the elderly customers but does not want to be taken advantage of. The elderly customers do not want the issue to drag on because they do not have the time, money and energy to deal with a long process, but they "want justice". Which process is best in this scenario and why? What does your process involve, how does it work and how will it be appropriate and a good choice in the circumstances?

Mediation : Seniors may not have financial means to go to court and it minimizes the bad publicity for the company.

Collaborative Law: Since the company has not had prior violations of this nature, adhering to a positive process may help maintain its reputation. Often times, it is the negative energy involved in protracted litigation that takes the real toll on the parties. A collaborative process would allow the seniors to resolve the problem but in a less negatively-charged atmosphere.

Litigation: A judgment in favour of the seniors could send a message to other companies that they have to be more careful in their operations and also could provide the motivation for legislative and policy changes as to how these companies are regulated and monitored.

8. A local singer, who is well known for her talent and also for her small canine sidekick, a Chihuahua, has recently broken up with her boyfriend. She claims her boyfriend was involved with another famous singer and called him some nasty names in the media. He, in turn, denies the allegations, but many people have already publicly shunned him. As a result, he buys a large pit bull which he lets attack the Chihuahua one night when out for a stroll along the same boardwalk that he and his ex-girlfriend used to frequent. The singer is anxious to get on with her life and to avoid as much further contact with her ex-boyfriend as possible. Which process is best

in this scenario and why? What does your process involve, how does it work and how will it be appropriate and a good choice in the circumstances?

Mediation: Cheaper and faster if mediator can get the parties to negotiate over the injury and responsibility. They will get out of the media spotlight and reduce the amount of time the singer will have to spend with her ex so both parties can get on with their lives and jobs. A wider range of remedies is possible – the singer may be able to get her ex to give written consent that he will stay away from her and the ex might be able to get the singer to make a public apology over the untrue claims she made.

Collaborative Law: A positive outcome will give less fuel to media and will help the situation and negative feelings to deteriorate any further. A similarly wide range of remedies to mediation exists.

Litigation: A court decision might be seen by the parties to have more “legitimacy”. If a restraining order against the ex-boyfriend is necessary or desirable, this will have to take place in a civil court anyways. If the ex-boyfriend is more concerned with clearing his name in public over the allegations of unfaithfulness, he may want to pursue court proceedings, although the trade-off may be the consequences for the pit bull attack.

9. The mayor is doing some renovations at his residence. He would like to put in a massive swimming pool in his backyard, but does not bother to get a permit for the work. City inspectors, who happen to be inspecting a building next door, take notice of the excavation for the swimming pool and, upon looking into matters further, discover the work has not been issued a permit. Which process is best in this scenario and why? What does your process involve, how does it work and how will it be appropriate and a good choice in the circumstances?

Mediation: If the mayor is willing to comply with the law, going to court may be an unnecessary expense and it minimizes the bad publicity for mayor.

Collaborative Law: Faster than litigation, so mayor can get on with compliance and renovations. A positive outcome may be better in terms of public image – to have internal conflicts of this kind may be embarrassing.

Litigation: A trial may be a way to affirm the rule of law, by ensuring the mayor does not receive special treatment by way of his public office.

10. A local man, legally married in Canada in a same-sex marriage, has recently lost his spouse in a car accident. He now seeks to claim survivor benefits under the Canada Pension Plan. The government, however, refuses to pay out, claiming that the benefits only apply to spouses in heterosexual marriages. Which process is best in this scenario and why? What does your process involve, how does it work and how will it be appropriate and a good choice in the circumstances?

Mediation: The man may not have the financial means to go to court. A mediator can get the parties to negotiate over the interpretation and compensation which will be cheaper and faster.

Collaborative Law: Cheaper and faster than litigation, so the man can get on with his life.

Litigation: A trial provides certainty and closure for the parties. Judge will come to a reasonable decision based on the individual circumstances. An official pronouncement from the court will set a precedent for future cases of this kind, as well as others where a similar provision is sought to be interpreted.

Unit Three ~ Community Engagement

Lesson 8: Active Citizenship

■ Overview

This lesson provides an opportunity for students to recognize how knowing about government and law can help them become more involved as citizens in their communities. As members of communities, we are all connected and interdependent and thus have a responsibility to be aware of our actions and the impact they have on others. By becoming engaged citizens we become active members of society, through which social justice can be achieved. Students will be able to identify with social issues of importance to them and take steps to engage others.

■ Objectives

Students will:

- Propose and implement ways that they can become actively involved in their school.
- Propose and implement ways that they can become actively involved in local issues.

Focus Questions:

- What are the opportunities and challenges for the active citizen?
- How can you take action on civic and global issues?
- What beliefs and values influence individuals and groups who take action?
- What do we need to be active citizens?

■ Basics for the Teacher

Vocabulary

NGOs: “Non-governmental organizations” - these not-for-profit organizations are dedicated to social welfare and have no participation or representation from any government.

Values: Values are judgments about what is important in life and might include beliefs about how we should act.

Active citizenship: Being engaged in political life, civil society and community life.

Content

Information on homelessness is included under the Instructions for the Teacher and in the answer key to *Activity Sheet 8-1: Community Engagement*.



■ Student Handouts

Activity Sheet 8-1: Community Engagement

Activity Sheet 8-2: Student Awareness
Posterboard

Activity Sheet 8-3: Comic Life Project

Activity Sheet 8-4: Group/Self Evaluation Rubric
on Student Awareness Posterboard

■ Instructions for the Teacher

Activity 1: Helping our Communities Discussion

- Have students watch Craig Kielburger YouTube clips.
<http://www.youtube.com/watch?v=8PGJe-a31kc>

In this clip, you are about to see an interview in Powell River with Craig Kielburger, who was 12 years old when he had the inspiration to create Free the Children, an organization dedicated to freeing children around the world from poverty and exploitation.

<http://www.youtube.com/watch?v=PTnal6Sht-pY&feature=related> .

In this clip, Kielburger talks further about how young people are extremely important in creating change in the world and what sorts of things young people can do right now, right at home, to make the world a better place.

- Ask and brainstorm with students the following questions:

Let's look at a local issue. Take a situation like homelessness in Vancouver.

What does it mean to be homeless?

Homelessness describes the condition of people without physical shelter (who sleep outdoors, in vehicles, abandoned buildings or other places not intended for human habitation) and those who have a physical shelter but that does not meet basic standards of health and safety (such as cleanliness, safety and affordability).

The 2008 Homeless Count reported that there were 2,660 homeless people in Metro Vancouver on March 11, 2008. Approximately 1,574 individuals or 59 of the homeless found, were

unsheltered. A large number of homeless people were families with children.

What are some of the root causes of homelessness?

People become homeless for a wide variety of reasons, including *the loss of one's job, marital breakdown, mental illness, alcohol and drug addiction and family issues such as abuse and poor relationships with parents.*

What are some of the consequences of being homeless?

Personal safety is threatened (many homeless people report being attacked and sexually assaulted).

Police contact (many homeless people complain about increasing police contacts for panhandling, loitering and squeegeeing).

Sickness and death (in the 2008 Homeless Count, the vast majority of homeless people had health issues, with approximately 84% reporting at least one health condition, including many disabling conditions such as addiction (61%), mental illness (33%) and physical disability (31%). Health issues can include overdoses, accidental death, pregnancy, malnourishment, Hepatitis A and HIV).

- Play StreettoHome YouTube clip.
<http://www.youtube.com/watch?v=Pp5VIK-tOQt0>
StreetToHome Foundation is the first, broad community-based initiative designed to address homelessness in Vancouver. The Foundation brings together people from all sectors of our community: non-profits, community groups, business, governments and citizens, to ensure that all people in Vancouver have access to affordable, safe housing by 2015.
- Ask students to brainstorm a list of things that they can do to change the homeless situation for the better.
 - *Get informed* (learn about what it is, what causes it, warning signs, consequences and solutions) and keep up to date on new initiatives, spread the word.
 - *Treat homeless people as people.*
 - *Advocate for the homeless by writing letters to politicians, letting them know how homelessness affects you and your community.*

- Support local projects that provide homes for the homeless.
 - Volunteer at a community agency that helps the homeless and creates housing.
 - Invite speakers on homelessness and housing to speak at the school.
 - Organize a fundraising event.
 - Donate clothing, money and other items at social service agencies to people who are homeless.
- Distribute *Activity Sheet 8-1: Community Engagement* and read it out loud to students, pausing after each question to allow for verbal student responses. Advise students that they should add the correct answers to their sheets. Encourage students to give responses before guiding them to the correct answers. See *Activity Sheet 8-1: Community Engagement Answer Key* for suggested answers.

Activity 2: Student Awareness Posterboard

- Distribute *Activity Sheet 8-2: Student Awareness Posterboard* to students. Read the instructions out loud to students. Have students create a Student Awareness Posterboard to be displayed around the school on three issues of interest, choosing from a list of areas provided by the teacher on the Student Activity Sheet. Students do research on the issue including who or what is affected, how they are affected, why it is an issue or problem, where this issue happens and area they are focusing on. Students should create images to encapsulate each of the three issues chosen; and at least two ways that other students can take positive action on each issue.

OR

Comic Life Project. You will need to have this program on your school computer for this project. See *Activity Sheet 8-3: Comic Life Project* for the student instructions. Also see student examples provided.

■ Assessment

Use the *Activity Sheet 8-4: Group/Self Evaluation Rubric* and/or *Activity Sheet 8-5: Teacher Evaluation Rubric* to assess the Student Awareness Posterboard for activity. As well you can assess student responses during the discussions.

■ Extension Activities

Research the actions of the United Nations (UN) in its efforts to protect human rights. Prepare a one-page profile of the UN's bodies and programs, answering the six Ws: Who, What, Where, When, Why, and With what effects? Present your findings as a feature in your school newspaper.

■ Get Involved

Visit a local NGO or charitable organization dedicated to a social justice issue of interest to you. Collect information about the organization to include in a written presentation to the class. You should state how your understanding of government and law influenced your choice of organization, who the organization is, why you chose the organization, what the organization does, where it is located, who it has partnerships with (if any) and any particularly noteworthy accomplishments or programs. Consider volunteering with the organization.

Activity Sheet 8-1: Community Engagement

Lesson Eight

Name: _____ Date: _____

As you just saw with Craig Kielburger, a single person can become a very powerful force for making a better world. Each of us can make a difference by helping our families, friends, school and our wider communities. You can make a difference simply by recycling your pop can, writing a letter or volunteering. We start to make a difference by becoming aware and informed: by watching, reading or listening to the news and by examining our own actions and the effect they have and can have on others. Once we have this knowledge, we are able to make effective decisions.

1. Each of us is a citizen in the community. What are some of the communities we might be citizens of?

2. Why might it be important to be a part of a community?

3. Communities are continually coming together to support others. So many organizations have been created to help with problems in areas such as the environment, health, social services, youth, sports, arts, culture, religion and international aid. Who are some of these organizations?

4. Many of these organizations are not-for-profit organizations dedicated to social welfare and have no participation or representation from any government. What is the term for these types of organizations?

5. Often, the choices we make are influenced by our ideas. As Canadian citizens, we have certain values. In your mind, what is meant by the word "values"?

6. What do you think are some key Canadian values?

7. Being involved in our communities and modeling *active citizenship* (being engaged in political life, civil society and community life) helps us to become more aware of what sorts of things?

Activity Sheet 8-1: Community Engagement

Lesson Eight

KEY

As you just saw with Craig Kielburger, a single person can become a very powerful force for making a better world. Each of us can make a difference by helping our families, friends, school and our wider communities. You can make a difference simply by recycling your pop can, writing a letter or volunteering. We start to make a difference by becoming aware and informed: by watching, reading or listening to the news and by examining our own actions and the effect they have and can have on others. Once we have this knowledge, we are able to make effective decisions.

1. Each of us is a citizen in the community. What are some of the communities we might be citizens of?

School community	Religious community	Working community	Sports community
Ethnic community	Neighbourhoods	Towns/Cities	Province
Nation	Global community		

2. Why might it be important to be a part of a community?

With the support from others in our communities, we can deal with daily pleasures and challenges of life. For example, our constitutional right to freely associate with others such as those within our ethnic communities, allows us to enjoy the sharing of our cultures. Meanwhile, by being able to associate with others in our ethnic communities, we can also support each other by forming groups dedicated to helping meet the community's specific needs, such as immigrant employment and education services.

3. Communities are continually coming together to support others. So many organizations have been created to help with problems in areas such as the environment, health, social services, youth, sports, arts, culture, religion and international aid. Who are some of these organizations?
Examples might include Greenpeace, the Humane Society, Oxfam, Doctors without Borders, UNICEF, Amnesty International, Human Rights Watch, the Red Cross and many others.

4. Many of these organizations are not-for-profit organizations dedicated to social welfare and have no participation or representation from any government. What is the term for these types of organizations?

These are called NGOs, or non-governmental organizations. It is common for an NGO to work internationally to help people who live abroad and do not have the resources or power to improve their lives or find solutions to their problems.

5. Often, the choices we make are influenced by our ideas. As Canadian citizens, we have certain values. In your mind, what is meant by the word "values"?

Values are judgments about what is important in life and might include beliefs about how we should act.

6. What do you think are some key Canadian values?

Examples might include:

Universal respect for human rights	Democracy, Freedom	The Rule of Law
Sustainability	Culture and Education	Peace

7. Being involved in our communities and modeling *active citizenship* (being engaged in political life, civil society and community life) helps us to become more aware of what sorts of things?

Being active citizens allows us to become more aware of the issues our communities face. Sometimes, our communities are not big enough to deal with some issues or the issues may be too complex and we turn to our governments. For example, our governments have formal systems and procedures in place to offer major services. If we are aware of what governments do and the role they play in our society, as well as the laws that are established for the benefit of society, then we will in turn be able to understand how all of these groups can help us to make the world a better place.

Activity Sheet 8-2: Student Awareness Posterboard

Lesson Eight

Name: _____ Date: _____

Create a **Student Awareness Posterboard** to be displayed around the school on **three** issues of interest. Choose from the list below and make sure your Posterboard addresses the following tasks.

1. Research and explain what each issue is and what it involves.
2. State who or what is affected, how they are affected, why it is an issue or problem, where this issue happens and the area you are focusing on.
3. Use images to encapsulate each of the three chosen issues (the images may be self created or downloaded with proper bibliographic reference).
4. Identify and describe at least two ways that other students can take positive action on each issue. This might include describing an organization that is dedicated to the issue and what the organization does and/or providing other basic but key information about action that can be taken to address the issue.
5. Look at the Marking Rubric to ensure your Posterboard meets all the listed criteria.

Remember: This Posterboard is for creating awareness for your chosen issues, so it needs to be worded well and be visually appealing.

Student Awareness Posterboard Topics

Human Trafficking	Child Slavery
Homelessness in Vancouver	Mental Illness
Homeless Youth	AIDS/HIV
Addiction in the Downtown Eastside	Food Security
Global Warming	Refugees
Child Poverty	Fair Trade Fashion
Landmines	Animal Cruelty
Gang Violence	Consumer Culture
Aboriginal Self Determination	Child Soldiers
Species-at-Risk	Elder Abuse
Cyber-Bullying	Electoral Reform: First Past The Post vs. Proportional Representation
Gay Marriage	
Child Hunger	Any others subject to the teacher's approval

Activity Sheet 8-3: Comic Life Project

Lesson Eight

Name: _____ Date: _____

Create a comic in Comic Life that shows your understanding of one of the issues on the student awareness worksheet. Pick an issue. Use a comic (pictures, speech bubbles, titles) to show what you have learned about the issue you have chosen. Create a scene/ story/ lesson that gives some key facts about the issue as well as some key solutions.

Your comic must answer the following:

What is the issue? _____

Why is it a problem? _____

Who is affected? _____

What are some ways to prevent it? (3)

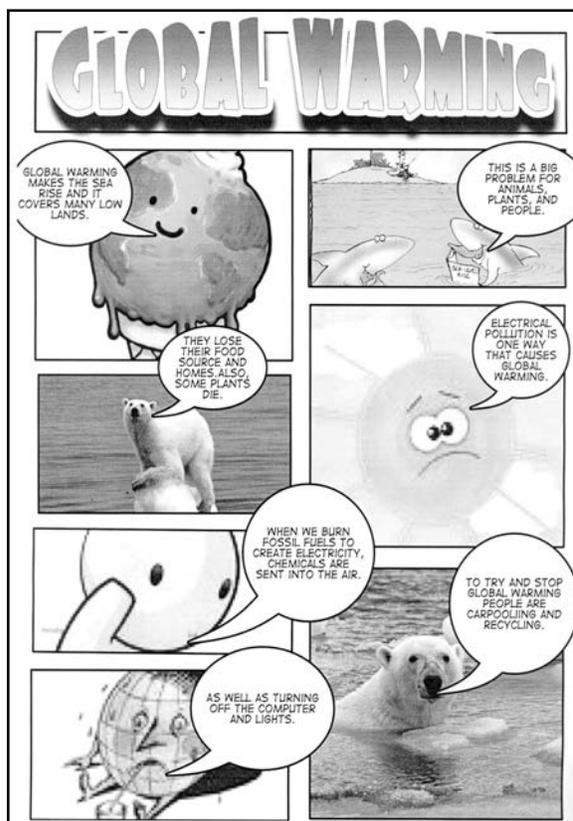
Also include any interesting facts.

This project will be marked by the following criteria:

Answers to questions:	/10
Use of Comic Life program:	/10
Creativity:	/10
Total	/30

Some ideas for your Comic Life project:

*Include pictures from the Internet and use speech bubbles, narration boxes to write about your issue. (a story, new story). Have one or two characters talk about the issue, use Internet pictures. Use photo booth appropriately to teach a lesson on your topic. (You will be the teacher).



Student examples using Comic Life.

FOOD SECURITY

Food security is not a poverty issue; this issue is a much larger issue that involves the whole food system and affects every one of us in some way.

I'm hungry.

Thank you.

Water +30%

Food +50%

Energy +50%

Specific diseases +50%

Nearly 2 billion people worldwide are on a regular basis, unable to grow or to get enough food to eat and staggering 75% of those most lacking security live in the most isolated areas, often with low population density, in the least developed countries of the world.

Uh huh.

Animal Cruelty

HEY ADAM, I'M ANGRY AT THE MANGY AT WHO COULDE BE SO CRUELTY!

WHY SUSAN?

SO MANY ANIMALS ARE BEING SKINNED ALIVE FOR FUR AND PET BUSINESS. WEAT I CAN DO TO HELP THEIR PETS. THINK OF HOW THEY'RE SUFFERING!

THINK OF ALL THE POOR ANIMALS BEING SO MUCH PAINFUL PUT UNEXPERIENCE!

WHOA SUSAN, WEVE GOT TO DO SOMETHING ABOUT THIS. MAYBE WE CAN'T DO MUCH ABOUT BIG COMPANIES. BUT LET'S GO ON A LOOKOUT FOR ANIMALS THAT SEEM TO BE VERY THIN OR BEEN BEAT!

YEAH, WE SHOULD REPORT THESE THINGS TO THE LOCAL POLICE.

HEY ADAM, DID YOU KNOW 75% OF VIOLENT OFFENDERS HAVE A PAST RECORD OF ANIMAL CRUELTY.

AND THAT 27% THE MAJORITY IS NEGLECT,

YES! WE SHOULD LOOK FOR SIGNS OF TICK OR FLEA INFESTATION, WOUNDS AND COWERING OR AGGRESSIVE-- WE NEEDS TO HELP THEIR MASTERS.

Activity Sheet 8-4: Group/Self Evaluation Rubric

Lesson Eight

Name: _____ Date: _____

You are to use this to evaluate your group members during debates, jigsaws and cooperative group activities. Read each of the description of the Individual Contribution to the Group Dynamic (ICGD). Give each student in your group a number in the chart provided below and total his or her score. Make sure to comment as to why you scored your group members the way you did. Please hand to your teacher.

Levels	Very Weak	Weak	Competent	Accomplished	Outstanding
ICGD	Major impediment, off task often and did not contribute.	Contributed two or more items. Often off task and hard to focus.	Participated often and contributed to the harmony of the group.	Most of the time was positive force. Participated in shaping the group dynamic.	Regularly made significant contributions to the group and the effective operation of the group.
Marks	2	4	6	8	10

Full Name	Total Mark /10	Comment
1.		
2.		
3.		
4.		
Self		

Activity Sheet 8-5: Teacher Evaluation Posterboard Rubric

Lesson Eight

Name: _____ Date: _____

Total Mark: /24

Place a check on the box that applies and total the score.

CATEGORY	4	3	2	1
Required Elements	This poster includes all required elements as well as additional information.	All required elements are included on the poster.	All but one of the required elements are included on the poster.	Several required elements were missing.
Graphics and Relevance	All graphics are related to the topic and make it easier to understand. All borrowed graphics have a source citation.	All graphics are related to the topic and most make it easier to understand. All borrowed graphics have a source citation.	All graphics relate to the topic. Most borrowed graphics have a source citation.	Graphics do not relate to the topic OR several borrowed graphics do not have a source citation.
Content and Accuracy	At least 12 accurate facts are displayed on the poster.	9-11 accurate facts are displayed on the poster.	6-10 accurate facts are displayed on the poster.	Less than 6 accurate facts are displayed on the poster.
Attractiveness	The poster is exceptionally attractive in terms of design, layout and neatness.	The poster is attractive in terms of design, layout and neatness.	The poster is acceptably attractive though it may be a bit messy.	The poster is distractingly messy or very poorly designed.
Mechanics	Capitalization and punctuation are correct throughout the poster.	There is one error in capitalization or punctuation.	There are two errors in capitalization or punctuation.	There are more than two errors in capitalization or punctuation.
Grammar	There are no grammatical mistakes on the poster.	There is one grammatical mistake on the poster.	There are two grammatical mistakes on the poster.	There are more than two grammatical mistakes on the poster.

Unit Three ~ Community Engagement

Lesson 9: Law Fair

■ Overview

In the previous two units, the students have learned a lot about law. Now it's time to share their knowledge with other classes in the school! A Law Fair, held in the classroom, will showcase the students' knowledge and creativity through a series of interactive stations for visiting classes.

■ Objectives

Students will:

- Share their knowledge about the law using the station approach.
- Create art and activities for a specific law topic.
- Learn to work collaboratively with peers.

■ Basics for the Teacher

Where: The classroom

When: At the end of this unit (preferably late October, early November – try for a Friday as other teachers may find it easier to schedule their classes in for a visit).

Target

Audience: Other Grade 7 classes and if possible younger Grade 5 and 6 classes, school personnel and parents.

Time: Preparation time – approximately three weeks.

Fair Time: Approximately 10 minutes @ 7 booths = 70 minutes + time to move in and out of the room. The host class could run 2 sessions, one in the morning before recess and one in the afternoon directly after lunch.

Content

Stations for the Law Fair

Taking into consideration the different levels of student learning in your classroom, you will find stations at varying degrees of challenge. In this way, all the students will feel ownership in the fair and will look forward to participating. Students will be responsible for their booth presentation and decoration.

Station 1: You Be the Judge!

- Students write up six scenarios about problems in the school (e.g. a case of theft or breaking the code of conduct).
- The visitor takes a cue card, it's read out by the host student, and the group discusses what the solution could be, who is at fault, what the consequences should be.
- In 10 minutes, the student could do two to three scenarios.

Station 2: It's About My Rights and Freedoms!

- Students will set up two to three computers in the classroom and access the *Canadian Charter of Rights and Freedoms* online @ <http://www.canada.justice.gc.ca>.
- The visitors will read the sections of the *Charter* and add their ideas to each section.
- At the end of the fair, the students running that booth will do a printout for each visiting class and deliver it to them the next day. (The information could be the basis for an interesting discussion with their teacher.)



Station 3: Smile You're On Camera!

- Each student has a choice of being a judge, lawyer, a sheriff, a police officer or the accused.
- Each student or group of students chooses a robe or jacket and poses for pictures.
- The host student will help arrange the visiting students' for a picture.
- At the end of the fair, the pictures will be downloaded and a copy made for each visiting student.

Station 4: Pick Your Battle!

Cornelius, Aunt Edna's parrot, flies in for a return visit!

- Several large cut-outs of Cornelius will each have a problem scenario involving the parrot.
- The task in the station is similar to that in Station 1, but Cornelius' problems have to do with criminal and civil law and not with school issues. Students will write these scenarios.
- The visiting students will choose a parrot scenario from the various cut-outs.
- They will decide together whether the scenario is criminal or civil and who is at fault.
- Host students will help with legal information.

Station 5: The Lawyer is In!

Usual fee - 5 cents. Fair Day - Free of Charge!

- Host "lawyers" will prepare a questionnaire for the visiting students to fill out stating a problem.
- Advice will be given to the visiting students by the host students as to how the problem could be solved.

Station 6: Spin the Wheel of Law!

- Visiting students spin the wheel made on a transparency. The wheel is sectioned into different categories such as criminal law, civil law or alternate court processes.
- Host students will have questions for each section on the wheel in a container nearby.
- When the arrow lands, the participant will pick out a question from the box.
- It will be read by the host student with three possible answers to choose from.
- Each student gets two to three turns and if he or she gets at least one right, he or she gets a candy.

Station 7: What's Your Verdict?

- Host students give a pen and a large "stickie note" to students before they leave, asking them to rate the fair, as to what they liked the best and what did not work for them. Comments can be anonymous.
- All "stickies" are put on the station display board.
- Host students will also collect the judges' assessments.

■ Student Handouts

Activity Sheet 9-1: How to Make Our Law Fair a Success!

Activity Sheet 9-2: Judge's Assessment of Law Fair

Activity Sheet 9-3: Visitors' Assessment of Law Fair

Activity Sheet 9-4: Student Self/Group Assessment of Law Fair

■ Instructions for the Teacher

Activity 1: Timeline for the Teacher for the Law Fair

Four weeks before the fair:

- Introduce the concept of the fair to the students so that they begin to have a feeling of anticipation and a sense of ownership early on.
- Hand out *Activity Sheet 9-1: How to Make Our Law Fair a Success!*
- Inform and outline the activities and goals of the fair to the principal. Secure any permission or funding that is essential to the success of the event.
- Send out a general announcement to staff and parents that the fair will be happening. Include a brief description of this project and how it is a part of the Grade 7 Social Studies program.
- Secure a non-enrolling teacher (librarian, ESL student, administrator, if available and a parent) to judge the fair. Three to five would be appropriate.
- Invite at least two classes that would be interested in attending the fair.

Three weeks before the fair:

- Hand out student Station Selection Form "Sign Up For Law Fair Day." Emphasize that grouping for stations will not be based on friendship, but should include a cross section of students with various interests and abilities (i.e. a leader, an ESL student or an artist).

- Have students deliver invitations to all visiting classes.
- Phone the Justice Education Society (contact information at <http://www.JusticeEducation.ca>) in your area and arrange for the loan of three lawyers' robes (one robe can be made into a judge's robe by draping a piece of red felt around the neck), one sheriff jacket and one police jacket.
- Buy or locate school art supplies and cardboard used for displays in booths and begin designing signs.
- Get boxes or plastic tubs so that the students can keep all their supplies for their booth in one place in the classroom.
- Take time to talk to each group and monitor their progress!

Two weeks before the fair:

- In Language Arts (creative writing time) students should be preparing questions, answers, scenarios and wording for invitations and for the respective booths.
- In Art class, students should be making the parrots and decorating the cardboard back drops for their booth – also designing an invitation to parents and staff personnel. Here the ESL students can excel with their artistic and design abilities.
- Have multiple copies of invitations made in the school office and send out to parents and staff personnel.
- Secure two digital cameras for the fair date: one for the camera booth and one to document the day.
- Take time to talk to each group and monitor their progress!

One week before the fair:

- Rehearse oral invitations for students and teachers in other classes.
- Using the form "Sign Up For Law Fair Day," remind students to bring in or collect any props or costumes they may need for their booth.
- Pick up loans of robes from the Justice Education Society.

One day before the fair:

- Set up the booths in the afternoon.
- If you have two doors in the classroom, label them entrance and exit.
- Buy the candy for Station 6, “Spin the Wheel of Law.”
- Instruct students on use of digital cameras.
- Take time to talk to each group and monitor their progress!

Activity 2: Fair Day!

- Students will come in 20 minutes before the bell to do final set up.
- Make sure the computer is online and the “Canadian Charter of Rights and Freedoms” is showing on the desktop.
- They should be ready to open the Fair right after announcements.
- Welcome the three to five official adult judges of the fair and ask them to fill out *Activity Sheet 9-2: Judge’s Assessment*. Ask them to hand in the form to a student at Station 7 “What’s the Verdict” before they leave.
- Make sure that *Activity Sheet 9-3: Visitors’ Assessment of Law Fair* is being completed and handed in.
- Supervise clean up and insure that students hand in digital cameras and rating sheets from students and staff – Station 7 “What’s the Verdict”?

Activity 3: Student Windup

Day After the Fair:

- Students in Station 2 (“It’s About My Rights and Freedoms”) will collate the answers from visiting classes and deliver results to the appropriate rooms.
- Students from Station 3 (“Smile, You’re On Camera”) will download pictures and deliver them to the classrooms.

- Hand out and complete *Activity Sheet 9-4: Self/Group Assessment*
- During Language Arts, have students write “Thank You” notes to the official adult judges.

■ Assessment

- After the fair, collect and collate the assessment sheets from the judges, the visitors, the host students and the Station 7 student visitor ratings. Use these sheets in part or in whole to determine a class mark and a group mark for the Host Class.
- This group mark can be used in conjunction with assessments from the other lessons on Law and Government in this unit.
- At the teacher’s discretion, marks can be awarded in art, language arts and oral participation, as well as social studies.
- Debrief with the class.

■ Extension Activities

Volunteer to put together a visual and/or oral presentation for the school assembly. For example, if you excel in computer skills, you could create a Power Point presentation with a voice-over highlighting the events of the fair. (Photos from Fair Day would be used.)

■ Get Involved

Use the data from this event to modify or improve next year’s law fair! Ask your teacher for the evaluations and compile the statistics so that you have something to base your changes on. You could also interview students from each booth to see what they would most like to see changed.

Activity Sheet 9-1: How to Make Our Law Fair a Success!

Lesson Nine

Name: _____ Date: _____

Two to three weeks before the fair:

- Create an invitation, which could be delivered as a speech or a handout to the visiting classes.
- If the invitation is written, I will ask the office secretary or a teacher to make photocopies for other school personnel: administration non-enrolling teachers and office staff. I will also take home an invitation to my parents.
- I will volunteer to visit classes my teacher has told me are able to come to our fair and personally invite them.
- I will work cooperatively with the other students in my group when preparing for the stations.
- I will complete all assigned duties and, as much as possible, contribute to creative ideas and respect my peers' input and work style.

Sign Up for Law Fair Day

Read the description of each station and at the bottom of this sheet you will choose a first, second and third station that you would like to work on. Your teacher will, as much as possible, try to give you your first or second choice!

Station 1: You Be the Judge!

- Students write up six scenarios about problems in the school, e.g. a case of theft, breaking the code of conduct or physical confrontation.
- The visitor takes a cue card, the host student reads it out, and the group discusses what the solution could be, who is at fault, and what the consequences should be?
- In 10 minutes, the student could do two to three scenarios.

Station 2: It's About My Rights and Freedoms!

- Students will set up two to three computers in the classroom and access the *Canadian Charter of Rights and Freedoms* online @ <http://www.canada.justice.gc.ca>.
- The visitor will read the sections of the *Charter* and add their ideas to each section.
- At the end of the fair, the students running that booth will do a printout for each visiting class and deliver it to them the next day.

Station 3: Smile You're On Camera!

- Each student or group of students chooses a robe or jacket and poses for pictures.
- Each student has a choice of being a judge, lawyer, sheriff, police officer or the accused.
- The host student will help arrange the visiting students' for a picture.
- Host Students will take care of jackets and robes and other props on loan.
- At the end of the fair, the pictures will be downloaded and a copy made for each visiting student.
- Host students will be responsible for returning items on loan.



Station 4: Pick Your Battle!

Cornelius, Aunt Edna’s parrot, flies in for a return visit!

- Students will help to draw, color and cut out six parrots named Cornelius.
- On the back of each parrot, students will write a situation that Cornelius has gotten himself into. Three will be civil issues and three will be criminal.
- The visiting students will choose a parrot scenario from the various cut outs.
- They will decide together whether the scenario is criminal or civil and who is at fault.
- Host students will help with legal information about criminal and civil law to help visitors decide Cornelius’ fate.

Station 5: The Lawyer is In!

Usual fee - 5 cents. Fair Day – Free of Charge!

- Host “lawyers” will prepare a questionnaire for the visiting students to fill out stating a problem.
- Advice will be given to the visiting students by the host students as to how the problem could be solved.

Station 6: Spin the Wheel of Law!

- Students and/or teacher will create a wheel and make a transparency of it.
- Visiting students spin the wheel.
- Host students will have questions for each section on the wheel in a container nearby.
- When the arrow lands, the participant will pick out a question from the box.
- It will be read by the host student with three possible answers to choose from.
- Each student gets two to three turns and if he or she gets at least one right, he or she gets a candy.

Station 7: What’s Your Verdict?

- Host students give a pen and a large “stickie note” to the visiting students and ask them to rate the fair, as to what they liked the best and what didn’t work for them. Comments can be anonymous.
- All “stickies” are put on the station display board.
- Host students can also give assessment sheets to parents and other school personnel.
- Host students will also collect the assessments from the three to five official adult judges (staff and parents).
- One student will take pictures of student activities at each booth throughout the fair.
- Host student thanks the visitors for coming to our fair!

Now that you have read over the description of each station, please put the numbers 1, 2 or 3 next to the three stations that you would most like to be part of.

_____ Station 1: You Be the Judge

_____ Station 2: It’s About My Rights and Freedoms

_____ Station 3: Smile, You’re on Camera

_____ Station 4: Pick Your Battle

_____ Station 5: The Lawyer is In!

_____ Station 6: Spin the Wheel of Law

_____ Station 7: What’s Your Verdict?

Activity Sheet 9-2: Judge's Assessment of Law Fair

Lesson Nine

Name: _____ Date: _____

Please rate each station on the following criteria on a scale of 1 to 5, from poor to excellent.

Station 1: You Be the Judge!

Creativity of artwork	1	2	3	4	5
Interaction with visitors	1	2	3	4	5
Knowledge of content	1	2	3	4	5

Station 2: It's About My Rights and Freedoms!

Creativity of artwork	1	2	3	4	5
Interaction with visitors	1	2	3	4	5
Knowledge of content	1	2	3	4	5

Station 3: Smile, You're on Camera!

Creativity of artwork	1	2	3	4	5
Interaction with visitors	1	2	3	4	5
Knowledge of content	1	2	3	4	5

Station 4: Pick Your Battle!

Creativity of artwork	1	2	3	4	5
Interaction with visitors	1	2	3	4	5
Knowledge of content	1	2	3	4	5

Station 5: The Lawyer is In!

Creativity of artwork	1	2	3	4	5
Interaction with visitors	1	2	3	4	5
Knowledge of content	1	2	3	4	5

Station 6: Spin the Wheel of Law!

Creativity of artwork	1	2	3	4	5
Interaction with visitors	1	2	3	4	5
Knowledge of content	1	2	3	4	5

Station 7: What's Your Verdict?

Creativity of artwork	1	2	3	4	5
Interaction with visitors	1	2	3	4	5

THANK YOU FOR CONTRIBUTING TO OUR LAW FAIR!

Activity Sheet 9-3: Visitors' Assessment of Law Fair

Lesson Nine

Name: (optional) _____

Please take a few moments to give us your feedback on our Law Fair.
Your comments will help us make our fair even better next year!
With thanks from Division _____

The Stations:

Were the topics interesting and informative?	Yes	No
Were the stations attractive and welcoming?	Yes	No

The Students:

Did the students welcome visitors to their booth?	Yes	No
Did the students know their topic?	Yes	No
Were the students helpful to the guest students?	Yes	No

I was most impressed with _____

Suggestions for next year _____



Activity Sheet 9-4: Student Self/Group Assessment on Law Fair

Lesson Nine

Name: _____ Date: _____

Here is how I rate my planning and participation in our Law Fair on a scale of 1 to 5 from poor to excellent.

Name of Station: _____

- | | | | | | |
|---|---|---|---|---|---|
| • Art, charts, posters | 1 | 2 | 3 | 4 | 5 |
| • Preparing content | 1 | 2 | 3 | 4 | 5 |
| • Cooperating with others in my group | 1 | 2 | 3 | 4 | 5 |
| • Helping visitors during the fair | 1 | 2 | 3 | 4 | 5 |
| • Helping to clean up | 1 | 2 | 3 | 4 | 5 |
| • Completing follow up activities
(If any) | 1 | 2 | 3 | 4 | 5 |

My favorite part of the fair was: _____

Next year we should change: _____

My Score: /30

List your group members' names and scores below for a final Group Total

Name of Group Member	Score / 30

Unit Three ~ Community Engagement

Lesson 10: Mock Jury Selection

■ Overview

At the conclusion of the lessons on law and government, students will have an opportunity to present a mock trial to another class or classes. Students who would like to be on the jury would go through a mock jury selection. This is an excellent way to engage the mock trial audience and the potential jurors through the pre-trial selection of jurors.

■ Objectives

Students will:

- Understand the jury selection process.
- Gain insight into the role and responsibilities of a juror.
- Collaboratively deliberate to arrive at a verdict.

■ Basics for the Teacher

Vocabulary

See *Activity Sheet 10-1: A Potential Juror's Vocabulary* for the terms you will need to teach in this lesson.

Content

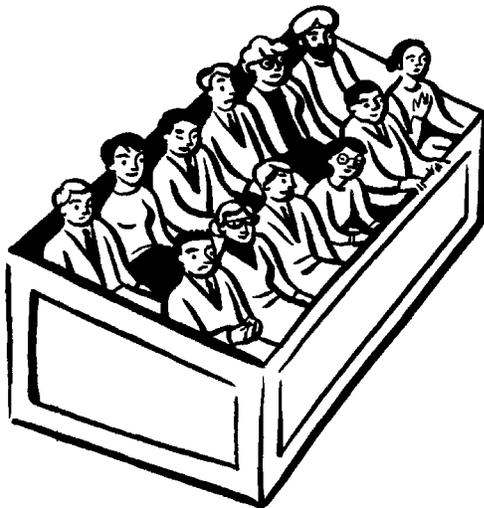
- Potential jurors are selected from the BC voters' list and must be Canadian citizens between the ages of 18 and 65.
- A summons to appear in court is issued through a notice sent out by the sheriff.
- Those persons summoned are now part of a jury panel and must appear in court.
- The accused is brought in and enters a plea.
- If the plea is not guilty, the selection process begins.
- Names of potential jurors are placed in a box and drawn at random.
- Each side is permitted peremptory challenges up to 20 in a serious case, such as 1st degree murder.
- Each side is permitted to challenge for cause any number of times.
- If the person is not challenged, he or she becomes part of the jury.
- The process is repeated until 12 jury members can be sworn in. They take the following oath:
"I swear to well and truly try and true deliverance make between our sovereign Lady the Queen and the accused at the bar, whom I have in charge, and a true verdict give, according to the evidence, so help me God."
- *One juror will be elected by the other jurors to be jury foreperson. This juror is the group's "leader" and will announce the verdict at the end of the jury deliberation.*

The Verdict

- In a criminal case, all jurors must be unanimous in the decision. The verdict is then read in open court and both sides have the right to ask the jury to be polled.

For this, each juror must stand to confirm his or her agreement in the verdict.

- If the jury cannot reach a unanimous decision, it is called a *hung jury*. In this case, the jury is discharged and the case must go to court again with a new jury.
- In a civil case, the verdict is based on the balance of probabilities, which means either the plaintiff or defendant is most likely to be believed. Six out of eight jurors or 75%, must agree on the verdict.
- Reasons to be excused from jury duty:
 - Medical reason.
 - Cannot speak or understand English well.
 - Travel plans are already booked and the person will not be available.
 - Personal hardship (e.g. Full-time caregiver at home or full time student).
 - People whose occupations exempt them such as police, judges, lawyers, court or corrections officers.
 - Personal interest in the case.



■ Student Handouts

Activity Sheet 10-1: A Potential Juror's Vocabulary
Activity Sheet 10-2: The Verdict Is In!

■ Instructions for the Teacher

Activity 1: Jury Selection

Option A

- With your class, decide on the mock trial you wish to present to other students in the school.
- Secure an area in the school that can accommodate your class and at least two other classes for jury selection and mock trial.
- Before the mock trial, ask the teachers of the visiting classes if you can come in and teach a lesson on the jury selection process. If space allows, bring your class with you, so that all classes are taught together.
- Hand out *Activity Sheet 10-1: A Potential Juror's Vocabulary* and, using an overhead, discuss the meanings of the words with the students. Your students can complete the paragraph for homework.
- In your own classroom before the jury selection, choose two lawyers (one for each side) from the Mock Trial you have cast, to participate in jury selection.
- Discuss with the lawyers ahead of time, possible challenges for cause: e.g. a pre-formed opinion or knowledge of the accused.
- Together with the "lawyers", make a list of possible questions they could ask a potential juror. Some examples might be:
 - Do you know anyone involved in this case?
 - Have you heard or read anything about the case that would cause you to have an opinion before you hear the evidence?
- Ask the other participating teachers to write the names of their students on a slip of paper who are interested in jury duty.
- Put the slips of paper in a box.
- The day before the trial, begin the jury process. Repeat the procedure until you have 12 jurors if

you are performing “Frankenstein” or eight jurors if you are performing “Humpty Dumpty” as it is a civil trial.

Option B

- Follow the procedures in Option A.
- If you have chosen a criminal trial, instruct one “juror” to consistently dissent so that a verdict cannot be reached and a hung jury must be declared. For a civil jury, instruct three “jurors” to dissent so that the jury cannot reach the mandatory six out of eight jurors who are needed to agree on the verdict.
- Repeat the jury selection process with the remaining names to form a new jury.
- Have the new jury deliberate and render a verdict. Allow class time for this over a period of two to three days, perhaps in Language Arts.
- Compare and contrast the outcomes of the hung jury and the new jury with the class.
- Encourage the rest of the class to challenge the jurors’ decisions that resulted in either the hung jury or the verdict.
- Let all students vote to show their agreement with the hung jury or the new jury.
- Follow with a discussion of why collaboration and a serious study of the evidence is necessary to achieve a just verdict.

Option C

If you have decided not to do one of the mock trials, you can still do the jury selection exercise. Use the following story so that the jury and lawyers will know what the case is about. “In this case, the accused is charged with assault causing bodily harm. The victim is a woman and a senior citizen and the accused is a young male adult aged 22.” Here the defence would probably like to have young people on the jury and the Crown would like to have women and senior citizens who would connect with the victim’s situation.

Activity 2: The Verdict is In!

Once the jury selection is over, hand out *Activity Sheet 10-2: The Verdict is In!* and have your students work on it. You could also provide copies for the other classes, especially if you have given them a lesson on Jury Selection. Mark as a class.

■ Assessment

Give the worksheet “The Verdict is In!” to your students. Offer a copy to your colleague (s) should they wish to use it for assessment in Social Studies. Ask your colleagues whose classes participated in this event to give you oral feedback.

■ Extension Activities

1. As jurors, write about your experiences of being on the jury. Describe how you feel about the jury selection, the trial process and the jury deliberation. Do you think it is a good way to decide a case? Explain your answer.
2. In your response journals, complete this statement:
I would feel _____ about being a juror because _____

- ESL students can complete the sentence; other students should be able to expand their answers, particularly if someone they know has been on jury duty.
3. Give your opinions as to whether a judge without a jury would have decided differently. Would you want a judge or a judge and jury to hear your case if you were charged with an offence?
4. Briefly research and report back to the class on the Air India trial which had no jury. Discuss whether you think the verdict would have been different if a jury had heard the case.

■ Get Involved

Visit the Supreme Court of BC to watch a jury trial. Contact <http://www.JusticeEducation.ca> to book a time and orientation for your class.

Activity Sheet 10-2: The Verdict is In!

Lesson Ten

Name: _____ Date: _____

A. You would be a “well informed” juror if you can connect the definitions with the vocabulary.

Match the letter with the correct definition.

- | | |
|-------------------------------|--|
| 1. Challenge for cause _____ | a. A group of people who may become jurors. |
| 2. Deliberation _____ | b. The result of a trial. |
| 3. Foreperson _____ | c. A jury that cannot come to a unanimous decision. |
| 4. Jury panel _____ | d. The person who announces the verdict. |
| 5. Peremptory challenge _____ | e. A challenge that does not require a reason. |
| 6. Verdict _____ | f. The process by which the jury decides the verdict. |
| 7. Hung jury _____ | g. The right of the Crown or defence to exclude someone for a specific reason. |

B. We need to seat these jurors. Arrange the following steps in the proper order:

- () Each side is permitted to challenge for cause.
- () If the plea is not guilty, the selection process begins.
- () Potential jurors are selected from the B.C voters' list.
- () The accused is brought in and enters a plea.
- () If the potential juror is not challenged, he or she becomes part of the jury.
- () A summons to appear in court is issued by the sheriff.
- () Names of potential jurors are placed in a box and drawn at random.

A. You would be a “well informed” juror if you can connect the definitions with the vocabulary.

Match the letter with the correct definition.

- | | |
|--------------------------------------|--|
| 1. Challenge for cause (g) | a. A group of people who may become jurors. |
| 2. Deliberation (f) | b. The result of a trial. |
| 3. Foreperson (d) | c. A jury that cannot come to a unanimous decision. |
| 4. Jury panel (a) | d. The person who announces the verdict. |
| 5. Peremptory challenge (e) | e. A challenge that does not require a reason. |
| 6. Verdict (b) | f. The process by which the jury decides the verdict. |
| 7. Hung jury (c) | g. The right of the Crown or defence to exclude someone for a specific reason. |

B. We need to seat these jurors. Arrange the following steps in the proper order:

- (**6**) Each side is permitted to challenge for cause.
- (**4**) If the plea is not guilty, the selection process begins.
- (**1**) Potential jurors are selected from the B.C voters’ list.
- (**3**) The accused is brought in and enters a plea.
- (**7**) If the potential juror is not challenged, he or she becomes part of the jury.
- (**2**) A summons to appear in court is issued by the sheriff.
- (**5**) Names of potential jurors are placed in a box and drawn at random.

Civil Mock Trial

IN THE SUPREME COURT OF CAROL LAND

BETWEEN

**HUMPTY DUMPTY
PLAINTIFF**

AND

**THE KING
DEFENDANT**

[**Issue:** Is the King liable for the personal injury of Humpty Dumpty?]

CLERK: Order in court, The Honourable Mister/Madam Justice presiding.

[Everyone stands as the Judge enters the courtroom.]

JUDGE: You may be seated.

[Everyone sits, except the Clerk.]

CLERK: The case of Humpty Dumpty versus the King, my Lord/Lady.

[Clerk sits.]

JUDGE: Thank you. Are all parties present?

[Plaintiff's Counsel stands.]

PLAINTIFF'S

COUNSEL: Yes, my Lord/Lady. I am _____ and these are my co-counsel
_____. We are acting on behalf of the plain-
tiff Humpty Dumpty in this matter.

[Please note that this statement can be adjusted depending on the number of lawyers
for each side.]

[Plaintiff's Counsel sits; Defendant's Counsel stands.]

DEFENDANT'S

COUNSEL: Yes, my Lord/Lady. I am _____ and these are my co-counsel
_____. We are acting on behalf of the defen-
dant, the King, in this matter.

[Again, statement can be adjusted depending on number of lawyers.]

[Defendant's Counsel sits.]

JUDGE: Thank you. Good day, ladies and gentlemen of the jury. I begin with some general comments on our roles in this trial. Throughout these proceedings, you will act as the judges of the facts and I will be the judge of the law. Although I may comment on the evidence, as judges of the facts you are the only judges of the evidence. However, when I tell you what the law is, my view of the law must be accepted.

There is a basic principle that is fundamental to your role as jurors. In this case there is a requirement of proof on the balance of probabilities, which means the evidence that has more weight and is more probable must be accepted. You should then decide in favour of the party who has presented the best evidence.

Before calling on the Plaintiff's Counsel to give his/her opening statement, I will tell you about the law of negligence which effects the outcome of this case.

A duty of care is an obligation accepted by the law and everyone must conform to a particular standard of conduct for the protection of others against unreasonable risks. What is "reasonable care" will be decided on the facts and the surrounding circumstances of the case. If you find on the facts that the defendant was reckless of the consequences of his act then he is liable for negligence.

I now call upon the Plaintiff to make an opening statement.

[Plaintiff's Counsel stands.]

**PLAINTIFF'S
COUNSEL:**

My Lord/Lady, we intend to prove that the defendant, the King, was negligent as he was reckless of the consequences of his act of not making the wall suitably safe to sit on, resulting in the serious injury to the Plaintiff, Humpty Dumpty. To support the case, we intend to call the following witnesses: Humpty Dumpty, Dr. Beaten Eggs and Old Man Haggis. Humpty will describe how his pleas for a suitable wall were ignored and how he was forced to sit on the unsuitable wall. He will also describe the incident, the injuries sustained, and the lengthy recovery period. Eggopedic surgeon Dr. Beaten Eggs will describe the cost of the actual medical expenses, as well as the future medical expenses. He shall also give details of the severe injuries. Old Man Haggis will describe the incident on the wall from his point of view, as well as the subsequent treatment and the pain and suffering of the Plaintiff. We now wish to call our first witness, the Plaintiff Humpty Dumpty.

[Humpty Dumpty takes the stand and remains standing to take the oath.]

CLERK: Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth so help you God?

HUMPTY: I do.

CLERK: Please state your full name and address for the court.

HUMPTY: I am Humpty Dumpty and I live in Carol Land.

JUDGE: You may be seated

[Humpty Dumpty sits.]

PLAINTIFF'S

COUNSEL: How old are you?

HUMPTY: I am 22 years old.

PLAINTIFF'S

COUNSEL: What is your current job?

HUMPTY: I own an egg shop.

PLAINTIFF'S

COUNSEL: Do you enjoy sitting on walls?

HUMPTY: Yes. It gives me lots of pleasure to be able to climb up and sit on a wall. I feel like I'm on top of the world.

PLAINTIFF'S

COUNSEL: Are you afraid of heights, Mr. Dumpty?

HUMPTY: Not in the slightest bit. Never have been and never will be.

PLAINTIFF'S

COUNSEL: Once you had sat on every wall in the land and needed a new one, what did you do?

HUMPTY: I went to the King, and kindly asked him if he would be able to build a new wall.

PLAINTIFF'S

COUNSEL: Was there anything specific you wanted to be done to this new wall?

HUMPTY: Yes. I asked the King if he would make this wall suitably shaped for an egg to be able to sit very comfortably on it.

PLAINTIFF'S

COUNSEL: What did the King say in return?

HUMPTY: Well, he was very rude and he swore a bit too. First of all he laughed and said no. I asked him why not. The King said that he didn't want to waste his money on one stupid wall that would make his land uglier just to accommodate one stupid fat egg. He then ordered two of his servants to throw me out of his castle. They hesitated at first, but when they got yelled at, they didn't have to be told twice.

PLAINTIFF'S

COUNSEL: What was the king doing while you were being taken out of his castle?

HUMPTY: He was laughing really hard and always repeating the words "That fat, stupid little egg. A wall for himself? Ha ha ha ha ha!"

PLAINTIFF'S

COUNSEL: Did he ever treat you this way before?

HUMPTY: No. The last time I asked him for something, I was told that it would be done within the hour and miraculously, it was.

PLAINTIFF'S COUNSEL: What did you do next?

HUMPTY: Well, I was feeling sort of blue so I went out and climbed my favourite wall. I started to relax, but as I lay down on the wall, I slipped and fell off because the wall wasn't suitably shaped for an egg like me.

PLAINTIFF'S COUNSEL: The wall was no good?

HUMPTY: It was really bad! It was damaged and looked like a car had crashed into it.

PLAINTIFF'S COUNSEL: Who did this wall belong to?

HUMPTY: The King. It's his property.

PLAINTIFF'S COUNSEL: Mr. Dumpty, will you please describe your injuries.

HUMPTY: Well, I broke every single bone in my body. I couldn't walk, run or do anything normal for several months. Luckily, we eggs are easily put together again under the surgeon's blade, so I was only "semi paralyzed". I also had to go around in a wheelchair for three weeks after the recovery period, as I still felt very weak.

PLAINTIFF'S COUNSEL: How much did this whole ordeal cost you?

HUMPTY: Well, my medical bills alone came to \$78 000 and I will have to pay \$5000 every month for the rest of my life.

PLAINTIFF'S COUNSEL: Thank you, Humpty. No further questions, my Lord/Lady.

[Plaintiff's Counsel sits.]

JUDGE: Does the defence wish to cross-examine?

[Defendant's Counsel stands.]

DEFENDANT'S COUNSEL: Yes, my Lord/Lady. This wall that you climbed wasn't your property was it?

HUMPTY: No.

DEFENDANT'S COUNSEL: You were trespassing when you sat on the wall, isn't that correct.

HUMPTY: The king always lets me sit on his walls. He has never told me not to.

DEFENDANT'S

COUNSEL: That wall is your favourite is that correct?

HUMPTY: Yes. I have climbed it many times.

DEFENDANT'S

COUNSEL: Many times? How many Mr. Dumpty?

HUMPTY: Oh, I've been climbing that ever since I was little. I've probably climbed it a couple hundred times.

DEFENDANT'S

COUNSEL: Have you ever fallen from it before?

HUMPTY: No. I had never fallen from that wall before this incident.

DEFENDANT'S

COUNSEL: Were you using any protective gear when you fell from the wall?

HUMPTY: No. I used to wear a helmet but that was when I was a kid.

DEFENDANT'S

COUNSEL: You claim that the wall was damaged.

HUMPTY: It was. There were several sections where the bricks were crumbling.

DEFENDANT'S

COUNSEL: If the wall was destroyed why did you climb it?

HUMPTY: I didn't think it was dangerous.

DEFENDANT'S

COUNSEL: Aren't you responsible for your injuries by sitting on the wall?

HUMPTY: No it's the King's fault. It's his wall.

DEFENDANT'S

COUNSEL: No further questions my Lord/Lady.

[Defendant's Counsel sits.]

JUDGE: You may step down Mr. Dumpty. You may call your next witness Crown.

[Humpty leaves the witness box; Plaintiff's Counsel stands.]

PLAINTIFF'S

COUNSEL: We call Dr. Beaten Eggs to the stand.

[Dr. Beaten Eggs takes the stand and remains standing to take the oath.]

CLERK: Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth so help you God?

DR. E: I do.

CLERK: Please state your full name and spell your last name for the record.

DR. E: Dr. Beaten Eggs, E-G-G-S.

JUDGE: You may be seated now.

[Dr. Eggs sits.]

PLAINTIFF'S
COUNSEL: Dr. Eggs, can you describe your qualifications?

DR. E: I am a surgeon with a specialty in Eggpedic Surgery. I have been one for over 13 years. I am the Vice President at Carol Hospital. I am also a sitting member on the Inquiry Committee of the Carol Land College of Physicians and Surgeons.

PLAINTIFF'S
COUNSEL: Dr. Eggs, was Humpty Dumpty your patient?

DR. E: Yes.

PLAINTIFF'S
COUNSEL: Dr. E, what kind of physical condition was Humpty in before you treated him?

DR. E: Humpty was in very good physical condition before I treated him. He had only seen a doctor once before and it was only for a cold. Climbing walls gave him great upper and lower limb strength.

PLAINTIFF'S
COUNSEL: Would you say that Humpty would have a good chance in a promising athletic career?

DR. E: Yes, I think that if Humpty wanted, he would have been a great athlete. Now though, because of his sustained injuries, he will never climb walls again or become an athlete.

PLAINTIFF'S
COUNSEL: What injuries did Humpty sustain?

DR. E: Every bone in Humpty's body was broken. He was going to yolk to death if he wasn't patched up quickly. A lot of his white was missing and 40% of his shell was gone. Only one finger bone remained unbroken. Unfortunately, the only way to treat him was to break this bone as well, so I did what I had to.

PLAINTIFF'S
COUNSEL: How did you treat Humpty's injuries?

DR. E: I had to operate on his body to stop the yolking and then I had to put pins in 56 different locations to keep his bones together. They will have to remain there permanently. To replace the missing white, I had to find a donor quickly. Luckily, Old Man Haggis was willing to let me use his chicken eggs. Then to put him back together again, I used Super Duper Carol Glue. I had to give him a wheelchair, as it was impossible for Humpty to walk for several weeks.

PLAINTIFF'S
COUNSEL: How did Humpty act and what was he saying during your treatment?

DR. E: Well, prior to and during the surgery, Humpty was unconscious, but when he woke up, he was in a lot of pain. He was always mumbling something about getting back at the King. Humpty seemed very angry and when I released him from the hospital, he was yelling that he was so angry with the King. Later, when he was in the wheel chair, he was very quiet, and always had a sad look on his face. I believe that he was under a lot of stress and so was very depressed.

PLAINTIFF'S
COUNSEL: Tell me, Dr. E, how much did Humpty end up paying for his medical expenses?

DR. E: Well, Humpty paid about \$78 000 for his medical expenses, which included the surgery, the pins and the wheelchair. Now, he is going to have to pay another \$5000 a month for checkups and mandatory pin changes. That will be for the rest of his life.

PLAINTIFF'S
COUNSEL: Thank you, Dr. Eggs. No further questions, my Lord/Lady.

[Plaintiff's Counsel sits.]

JUDGE: Does the defence wish to cross-examine?

[Defendant's Counsel stands.]

DEFENDANT'S
COUNSEL: Yes my Lord/Lady. How many patients have you treated with Humpty's condition?

DR. E: Not that many. That kind of injury is pretty rare.

DEFENDANT'S
COUNSEL: Isn't it true that Humpty was your first patient who fell from a wall?

DR. E: Yes, but I have had many eggs who have fallen and needed surgery.

DEFENDANT'S
COUNSEL: Did you make any recommendations to Humpty regarding how to stay safe?

DR. E: Yes. I told him that he should refrain from climbing walls or if he does, he should wear some sort of protective gear.

DEFENDANT'S

COUNSEL: In your opinion would protective gear have prevented Humpty Dumpty's injuries?

[Plaintiff's Counsel stands.]

PLAINTIFF'S

COUNSEL: Objection, my Lord/Lady. Dr. Eggs's expertise is medicine not protective gear.

DEFENDANT'S

COUNSEL: Surely the doctor can give an opinion on effectiveness of the protective gear as he recommended it.

JUDGE: Objection overruled. Please answer the question, Dr. Eggs.

[Plaintiff's Counsel sits.]

DR. E: Partially. He wouldn't be in the condition he is now. But his shell is very fragile and probably would have sustained injuries.

DEFENDANT'S

COUNSEL: Thank you Dr. Eggs. No further questions my Lord/Lady.

[Defendant's Counsel sits.]

JUDGE: You may step down Dr. Eggs. Plaintiff's Counsel, you may call your next witness.

[Dr. Eggs leaves the witness box; Plaintiff's Counsel stands.]

PLAINTIFF'S

COUNSEL: We call Old Man Haggis.

[Old Man Haggis takes the stand and remains standing to take the oath.]

CLERK: Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth so help you God?

OLD MAN H: I do.

CLERK: Please state your full name and spell your last name for the record.

OLD MAN H: Old Man Haggis, H-A-G-G-I-S.

JUDGE: You may be seated.

[Old Man Haggis sits.]

PLAINTIFF'S

COUNSEL: Mr. Haggis, how are you related to Humpty Dumpty?

OLD MAN H: Humpty is my very good friend. I knew him since we met in grade one at Carol Elementary School. We now share a large house and a 15-acre estate.

PLAINTIFF'S COUNSEL: Were you there when Humpty fell off the wall?

OLD MAN H: Yes, I was in the vicinity when Humpty fell off the wall. I was sitting on the grass and Humpty just fell. He fell on to the other side and I jumped over the wall, as it wasn't very tall. He was lying on the other side. His shell was broken and he was losing his yolk fast.

PLAINTIFF'S COUNSEL: What happened next?

OLD MAN H: I ran home quickly to call the ambulance. It wasn't far and I was back within 3 minutes. The ambulance came quickly and I accompanied Humpty to the hospital.

PLAINTIFF'S COUNSEL: Why do you think that Humpty fell from the wall?

[Defendant's Counsel stands.]

DEFENDANT'S COUNSEL: Objection, my Lord/Lady. The question calls for speculation.

PLAINTIFF'S COUNSEL: Mr. Haggis has enough knowledge of the incident to answer.

JUDGE: Objection sustained. Counsel, please rephrase your question.

[Defendant's Counsel sits.]

PLAINTIFF'S COUNSEL: Was there anything wrong with the wall?

OLD MAN H: Yes. It was pretty dilapidated. There were bricks missing everywhere. It was not in good repair at all!

PLAINTIFF'S COUNSEL: How did Humpty's injuries affect your personal life?

OLD MAN H: He needed lots of help. While he was in his wheelchair for a couple of weeks I had to help him get around. After he got out of the wheelchair he wasn't very comfortable walking so I had to be at his side. It was okay though. Humpty is a very good friend of mine.

PLAINTIFF'S COUNSEL: Does Humpty have any lasting injuries from his fall other than the pins?

OLD MAN H: Yes, he walks with a slight limp and sometimes sways on his feet.

PLAINTIFF’S

COUNSEL: During his recovery, what would Humpty do during the day?

OLD MAN H: Humpty would just try to relax or sit comfortably. Most of the time, though, he was wracked with pain, not able to stop himself from crying out and screaming.

PLAINTIFF’S

COUNSEL: Thank you, Mr. Haggis. Those are my questions.

[Plaintiff’s Counsel sits.]

JUDGE: Defendant’s Counsel, would you like to ask Mr. Haggis some questions?

[Defendant’s Counsel stands.]

DEFENDANT’S

COUNSEL: Yes, my Lord/Lady. Are you and Humpty very good friends?

OLD MAN H: Yes, that is correct.

DEFENDANT’S

COUNSEL: Do you watch out for each other a lot?

OLD MAN H: Yes, we are always aware where the other one is.

DEFENDANT’S

COUNSEL: Do you find anything exhilarating in climbing walls?

OLD MAN H: No. Personally, I am scared of heights. I do not enjoy climbing onto any sort of elevated area off the ground.

DEFENDANT’S

COUNSEL: Do you always go with Humpty when he climbs on walls?

OLD MAN H: Occasionally. As I said before, I am afraid of heights, but sometimes I watch Humpty.

DEFENDANT’S

COUNSEL: On the day in question, did you see a sign on the wall Humpty was climbing?

OLD MAN H: Yes.

DEFENDANT’S

COUNSEL: What did it say Mr. Haggis?

OLD MAN H: It said “No climbing”

DEFENDANT’S

COUNSEL: Did Humpty see it?

OLD MAN H: I pointed it out to him and he said that all of the walls had that sign and it had never stopped him before.

DEFENDANT'S
COUNSEL: Have you ever tried to stop Humpty from going out and climbing walls?

OLD MAN H: Yes, a few times. I gave up soon enough, though, because I could see that there was no stopping him.

DEFENDANT'S
COUNSEL: Did Humpty know that he was breaking a law by climbing walls?

[Plaintiff's Counsel stands.]

PLAINTIFF'S
COUNSEL: Objection my Lord/Lady. The witness cannot testify to what Humpty knew or knows.

[Plaintiff's Counsel sits.]

DEFENDANT'S
COUNSEL: I'll rephrase my Lord/Lady. Did you know that climbing walls was a breach of the law?

OLD MAN H: Yes, but it was a stupid law.

DEFENDANT'S
COUNSEL: Did you tell this to Humpty when you attempted to prevent him from climbing walls?

OLD MAN H: Yes.

DEFENDANT'S
COUNSEL: Thank you Mr. Haggis. No further questions my Lord/Lady.

[Defendant's Counsel sits.]

JUDGE: You may step down Mr. Haggis. Counsel, you may call your next witness.

[Old Man Haggis leaves the witness box; Plaintiff's Counsel stands.]

PLAINTIFF'S
COUNSEL: That concludes the plaintiff's case, my Lord/Lady.

[Plaintiff's Counsel sits.]

JUDGE: I now call on the Defence counsel to make their opening statement.

[Defendant's Counsel stands]

DEFENDANT'S

COUNSEL: My Lord, we intend to prove that the defendant, the King, had no intent to injure the Plaintiff, Mr. Dumpty. His injuries were sustained during an act of free will and so the King was not responsible for them. Humpty knew that climbing this wall was against the law and dangerous. To support the case, we intend to call the following witnesses: His majesty the King will tell us why a new wall was not needed in his country, as well as why he did not heed Humpty's pleas. Squire Fanmoth will describe the content of Humpty's plea, as well as some comments which were not described by the plaintiff. Finally, Sir Warthead shall describe the incident on the wall and also tell us how Humpty completely disregarded a sign prohibiting climbing and what really happened at the scene of the accident. We now wish to call our first witness to the stand, the Defendant, His Majesty the King.

[The King takes the stand and remains standing to take the oath.]

CLERK: Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth so help you God?

KING: I do.

CLERK: Please state your full name and address for the court.

KING: I am the King of Carol Land and I live in the castle of Carols.

JUDGE: You may be seated. Go ahead counsel.

[The King sits.]

DEFENDANT'S

COUNSEL: How long have you been the King of Carol Land?

KING: I have been ruling for four years now.

DEFENCE'S

COUNSEL: How did you meet the plaintiff, Mr. Dumpty.

KING: Well I was just lounging around in the castle one day and he came barging though the doors. Usually my guard would have stopped him but they thought that they would break his shell.

DEFENDANT'S

COUNSEL: What did Mr. Dumpty want?

KING: Well he was complaining about my walls. I take pride in my walls and he was insulting them. He said that they could not fit eggs on them and he wanted me to build a new one just for him.

DEFENDANT'S

COUNSEL: Is this a common request?

KING: Some people ask for walls, but I have never had somebody ask me to build a wall suited for eggs, so I asked Mr. Dumpty to leave.

DEFENDANT'S
COUNSEL: What happened next?

KING: Mr. Dumpty was very stubborn and kept demanding that I build him his wall. I started to laugh at him, thinking it was a prank, but after a while, I got my guards to see him out.

DEFENDANT'S
COUNSEL: When was the next time you heard of Mr. Dumpty?

KING: I had completely forgotten about him until he sued me.

DEFENDANT'S
COUNSEL: Why did you refuse to build a new wall for Mr. Dumpty?

KING: He was being very selfish. I am glad to build walls for good reasons but he didn't have one.

DEFENDANT'S
COUNSEL: How many walls do you have in your country at this point?

KING: I have over 200 walls right now and I'm not planning on building any more.

DEFENDANT'S
COUNSEL: What is the general purpose of your walls?

KING: The walls in my country are only designed for bordering fields and are there to mark a farmer's property. I did not ask my architects to design them for climbing or for eggs.

DEFENDANT'S
COUNSEL: Did you give any advice to Mr. Dumpty?

KING: Yes. I told him that he should not climb my walls as it is against the law. I also suggested that he build a wall for his own purposes on his own land.

DEFENDANT'S
COUNSEL: How old are the walls in your land?

KING: Some of them are over a hundred years old, but mostly they are quite new. In my first year alone I built 60 new walls. The one that Humpty had his accident on was only two years old.

DEFENDANT'S
COUNSEL: Do you maintain your walls regularly?

KING: Oh yes. It is very important to me. I have many workers who go all over Carol Land to first inspect the walls and then make any repairs if needed.

DEFENDANT'S

COUNSEL: Had there been any work done on the wall in question?

KING: No. It was perfectly fine except that Humpty damaged it partially in the fall, so we had to replace part of the wall.

DEFENDANT'S

COUNSEL: Thank you your majesty. I have no further questions, my Lord/Lady.

[Defendant's Counsel sits.]

JUDGE: Plaintiff's Counsel, do you wish to cross-examine this witness?

[Plaintiff's Counsel stands.]

PLAINTIFF'S

COUNSEL: Yes, my Lord/Lady. The wall that Humpty fell from was never repaired until after the accident correct?

KING: Yes.

PLAINTIFF'S

COUNSEL: But you claim the damage was caused by Humpty's fall?

KING: That is what seemed most probable.

PLAINTIFF'S

COUNSEL: Had the wall been inspected before?

KING: Once.

PLAINTIFF'S

COUNSEL: When?

KING: Every wall gets an inspection one year after it is built and then every two years after that.

PLAINTIFF'S

COUNSEL: So the wall was inspected one year prior to Humpty's fall?

KING: I suppose so.

PLAINTIFF'S

COUNSEL: How do you know that the wall was not damaged prior to Humpty's accident?

KING: That's what the repairmen told me.

PLAINTIFF'S

COUNSEL: So isn't it entirely possible that the damage caused Humpty's fall and not the other way around?

KING: Possible, I guess.

PLAINTIFF'S
COUNSEL: No further questions, my Lord/Lady.

[Plaintiff's Counsel sits.]

JUDGE: You may step down. The defendant may call his next witness.

[The King leaves the witness box; Defendant's Counsel stands.]

DEFENDANT'S
COUNSEL: We call Squire Fanmoth to the stand.

[Squire Fanmoth takes the stand and remains standing to take the oath.]

CLERK: Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth so help you God?

FANMOTH: I do.

CLERK: Please state your full name and spell your last name for the record.

FANMOTH: I am Squire Fanmoth, F-A-N-M-O-T-H.

JUDGE: You may be seated.

[Squire Fanmoth sits.]

DEFENDANT'S
COUNSEL: Squire Fanmoth, where were you when Mr. Humpty came in to plead for this new wall?

FANMOTH: I was in the throne room, hiding behind the pillars as we all do while waiting for a summons from the King. I distinctly heard what both the King and Mr. Humpty said.

DEFENDANT'S
COUNSEL: Could you please tell us what you heard?

FANMOTH: Well, I couldn't see anything, but I heard a lot of yelling back and forth, as well as some swearing.

DEFENDANT'S
COUNSEL: Is this all you heard?

FANMOTH: No, it isn't. I heard the King say that he doesn't need any more ugly walls in the country and I also heard Mr. Dumpty muttering under his breath.

DEFENDANT'S
COUNSEL: What was he saying?

FANMOTH: He was saying that he would get back at the King, even if it took him forever. He also said that he would never forget this.

DEFENDANT'S
COUNSEL: What happened next, Squire Fanmoth?

FANMOTH: Well, then I was ordered to take Humpty away. As I was dragging him out, I listened as he screamed that he would get back at him, even if it took him forever.

DEFENDANT'S
COUNSEL: Thank you, Squire Fanmoth. No further questions, my Lord/Lady.

[Defendant's Counsel sits.]

JUDGE: Plaintiff's Counsel, do you wish to cross-examine?

[Plaintiff's Counsel stands.]

PLAINTIFF'S
COUNSEL: Yes, my Lord/Lady. Squire Fanmoth, you have testified that you heard Mr. Dumpty muttering threats under his breath. Is that correct?

FANMOTH: Yes, that is correct.

PLAINTIFF'S
COUNSEL: How close were you to Mr. Dumpty when you heard this?

FANMOTH: Oh, about four feet away.

PLAINTIFF'S
COUNSEL: You also said that both the King and Mr. Dumpty were yelling at each other, didn't you?

FANMOTH: Yes, I did.

PLAINTIFF'S
COUNSEL: Then how would it be possible to hear him, when the King was yelling at him at the top of his voice?

FANMOTH: I know I heard him. I know I did.

PLAINTIFF'S
COUNSEL: Would you say that it is possible to hear someone muttering under their breath, while someone else in the room was yelling at the top of his voice?

FANMOTH: I suppose so.

PLAINTIFF'S
COUNSEL: The King is your employer, is that correct?

FANMOTH: Yes, he is.

PLAINTIFF'S
COUNSEL: Did he ask you to come speak at court for him today?

FANMOTH: Yes, he did.

PLAINTIFF'S
COUNSEL: Aren't you afraid of the King?

[Defendant's Counsel stands.]

DEFENDANT'S
COUNSEL: Objection, my Lord/Lady. The question is not relevant.

PLAINTIFF'S
COUNSEL: It is relevant to the issue of the credibility of the witness.

JUDGE: Objection overruled. You may answer the question Squire Fanmoth.

[Defendant's Counsel sits.]

FANMOTH: I guess so. Pretty much everybody is. He gets really angry.

PLAINTIFF'S
COUNSEL: Were you afraid to not come to court today?

FANMOTH: Yes.

PLAINTIFF'S
COUNSEL: Probably afraid enough to lie.

[Defendant's Counsel stands.]

DEFENDANT'S
COUNSEL: Objection!

PLAINTIFF'S
COUNSEL: Withdrawn. No further questions.

[Plaintiff's Counsel sits.]

JUDGE: You may step down Squire Fanmoth. Counsel, call your next witness.

[Squire Fanmoth leaves the witness box; Defendant's Counsel stands.]

DEFENDANT'S
COUNSEL: We call Sir Warthead to the stand.

[Sir Warthead takes the stand and remains standing to take the oath.]

CLERK: Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth so help you God?

WARTHEAD: I do.

CLERK: Please state your full name and spell your last name for the record.

WARTHEAD: Sir Warthead, W-A-R-T-H-E-A-D.

JUDGE: You may be seated.

[Sir Warthead sits.]

DEFENDANT'S

COUNSEL: Sir Warthead, could you please tell us what you saw on the wall?

WARTHEAD: I saw Mr. Dumpty appear on the top of the wall. He looked like he had just won an Oscar or something, cause he was jumping all over the place like a mad little grasshopper. I was watching the little runt when suddenly he stopped. He looked a bit confused and then he suddenly fell off the wall. I saw his tiny little hand grab air as he flew down the side I couldn't see.

DEFENDANT'S

COUNSEL: What did you do after you saw this event?

WARTHEAD: Well, I was a bit confused, because I knew that climbing on that wall was forbidden. I also knew, though, that the little runt must really be hurt. After debating with myself for a few minutes, I decided to quickly go and tell the King and then dash over and help Mr. Dumpty.

DEFENDANT'S

COUNSEL: Is this what you did?

WARTHEAD: Yes, it is. The only problem was that when I got back to the wall, he was gone. All I saw was a lot of egg yolk and white.

DEFENDANT'S

COUNSEL: What did you think of this incident?

WARTHEAD: Well, I thought of going to the Sheriff and telling him that Mr. Dumpty was trespassing, but then I was called for duty, so I didn't have time.

DEFENDANT'S

COUNSEL: Did you notice anything strange about the egg that you saw on the wall?

WARTHEAD: Well, he did look kind of drunk.

[Plaintiff's Counsel stands.]

PLAINTIFF'S

COUNSEL: Objection, my Lord/Lady. The witness is speculating.

DEFENDANT'S

COUNSEL: The witness is merely stating what he saw.

JUDGE: Objection sustained. The witness will only testify to what he heard or saw not what he inferred.

[Plaintiff's Counsel sits.]

DEFENDANT'S

COUNSEL: Thank you. No further questions, my Lord/Lady.

[Defendant's Counsel sits.]

JUDGE: Plaintiff's Counsel, do you wish to cross-examine this witness?

[Plaintiff's Counsel stands.]

PLAINTIFF'S

COUNSEL: Yes, my Lord/Lady. Mr. Warhead, you said that you saw Mr. Dumpty climb the wall, didn't you?

WARTHEAD: Yes, that is correct.

PLAINTIFF'S

COUNSEL: How many times have you seen Mr. Dumpty before?

WARTHEAD: Once or twice.

PLAINTIFF'S

COUNSEL: So isn't it possible that you saw a completely different egg fall over the wall?

WARTHEAD: Well, ya, I guess.

PLAINTIFF'S

COUNSEL: Tell me, was the egg you saw wearing any safety equipment?

WARTHEAD: I think so. Maybe.

PLAINTIFF'S

COUNSEL: No further questions.

[Plaintiff's Counsel sits.]

JUDGE: Thank you Sir Warhead. You may step down now. Counsel call your next witness.

[Sir Warhead leaves the witness box; Defendant's Counsel stands.]

DEFENDANT’S

COUNSEL: That concludes the defendant’s case, my Lord.

[Defendant’s Counsel sits.]

JUDGE: Thank you counsel. Are you prepared to give the closing statements?

[Plaintiff’s and Defendant’s Counsel stand.]

PLAINTIFF’S

COUNSEL: Yes, my Lord.

DEFENDANT’S

COUNSEL: Yes, my Lord.

[Plaintiff’s and Defendant’s Counsel sit.]

JUDGE: All right then, you may begin.

[Plaintiff counsel stands.]

PLAINTIFF’S

COUNSEL: Thank you, my Lord. Today we have proved that Mr. Dumpty is not at fault for his injuries. The King should have taken more consideration into the construction and maintenance of his wall. Earlier we showed you that the King never thought about whether his wall was safely constructed. We proved that the King carelessly made the wall much too high and narrow for an egg to sit on. As 40% of the wall climbing egg population lives here in Carol Land, shouldn’t there be some respect for them? If the wall had been lower and wider, Mr. Dumpty would have likely not sustained all his present injuries. If the wall wasn’t crumbling and wasn’t in disrepair, Humpty would not have been injured. However, Mr. Dumpty’s injuries are serious and he is in great pain. He will remain in pain for a long time, perhaps even for the rest of his life! He is suing the defendant for negligence and his injuries, which have created a very expensive hospital bill for Humpty. Thank you.

[Plaintiff’s Counsel sits.]

JUDGE: The defence may now proceed.

[Defendant’s Counsel stands.]

DEFENDANT’S

COUNSEL: The plain and simple truth is that the King is not liable for Mr. Dumpty’s accident. Mr. Dumpty is liable. The wall belongs to the King and was built the way the King desired. He needed to build his wall in that particular way for his own purposes, not for people like Humpty to walk on. He could never have expected that Mr. Dumpty would lack the common sense to keep off the wall.

Mr. Dumpty, being an egg, is a very fragile person. He would be expected to know the consequences, should he fall off a wall. As you know, eggs break easily when they fall

and Mr. Dumpty completely ignored this fact. Secondly, eggs are round. This would result in giving Humpty very bad balance. The King not only presumed that Mr. Dumpty would not walk on the wall for fear of falling, but it was against the law for Mr. Dumpty to do so. This lawsuit is just an attempt to get back at the King. Humpty was angry when the King refused to build a new wall. The evidence shows that Mr. Dumpty was drunk and that he wasn't wearing any safety equipment. This accident was not the King's fault; it happened as a result of the carelessness of Mr. Dumpty. Thank you.

[Defendant's Counsel sits.]

JUDGE: Ladies and gentlemen of the jury, that concludes the evidence given by both sides. You must find the defendant liable if his conduct was reckless of the consequences of his acts. The King must exercise reasonable care and that is for you to decide based on the evidence. The law of negligence clearly states that if the defendant is found guilty of the charge, then he/she shall pay the sum of money that the jury decides. This money should compensate for the losses or damages suffered by the plaintiff. If the jury finds the defendant not guilty, then this case will be dismissed. The defendant in our case, the King, has been sued for negligence in the construction of a wall, resulting in Mr. Dumpty's injuries. Mr. Dumpty is suing the King for compensation for his losses, damages, pain, suffering and hospital bills. You must now make a decision based on the evidence given in the court today. You will start your deliberations now.

[Jury leaves the courtroom for deliberations. Plaintiff, Defendant, and Counsel stand out of respect for the jury.]

JUDGE: Thank you Counsel. We will now adjourn until the jury returns with their verdict.
CLERK: Order in court. This court stands adjourned for the verdict of the jury.

[Everyone stands while the Judge leaves the courtroom.]

CLERK: Order in court.

[Everyone stands as the Judge enters the courtroom.]

JUDGE: You may be seated. Madam/Mister Registrar, has the jury reached a verdict?

[Everyone sits.]

CLERK: They have my Lord/Lady.

JUDGE: Sheriff, please bring the jury in.

[Plaintiff, Defendant and Counsel stand out of respect for the jury.]

CLERK: Mr./Madam Foreperson, have you reached a verdict?

[Foreperson stands.]

FOREPERSON: Yes we have.

CLERK: Do you find the defendant, King of Carol Land, liable or not liable for the injuries sustained by the plaintiff, Humpty Dumpty.

FOREPERSON: We find the defendant, King of Carol Land, liable in negligence for the injuries sustained by the plaintiff, Humpty Dumpty and order the defendant to pay the plaintiff damages in the amount of \$_____.

OR

We find the defendant, King of Carol Land, not liable in negligence for the injuries sustained by the plaintiff, Humpty Dumpty.

[Foreperson sits.]

JUDGE: The defendant shall pay the plaintiff damages in the amount of \$_____ and also pay the plaintiff's legal costs.

OR

The case is hereby dismissed. The plaintiff shall pay the defendant's legal costs.

Ladies and gentlemen of the jury, we thank you for acting as jurors in this matter. Both society and the law benefit from your contribution. In return, I hope you have found it to be an interesting and rewarding experience.

CLERK: This court stands adjourned. Order in court.

[All rise as the judge exits the courtroom.]

Criminal Mock Trial

IN THE SUPREME COURT OF BC

BETWEEN

REGINA
PLAINTIFF

AND

FRANK N. STEIN
DEFENDANT

CLERK: Order in Court.

[Everyone stands as Judge enters the courtroom.]

CLERK: In the Supreme Court of British Columbia at [INSERT OTHER REGISTRIES/Vancouver] this [first/23rd/] day of [month] , [year] , calling Her Majesty the Queen against Frank N. Stein .

JUDGE: You may be seated.

[Everyone sits except the clerk.]

JUDGE: Are all parties present?

[All Crown stand.]

CROWN 1: Yes My Lord/Lady. I am [name] and these are my friends [name] and [name] . We are acting on behalf of the Crown in this matter.

[Crown sits; Defence stands.]

DEFENCE 1: My Lord/Lady. I am [name] and these are my friends [name] and [name] . We are acting on behalf of the accused, Frank N. Stein. That's spelt F-r-a-n-k. Initial N. Last name: S-t-e-i-n.

[Defence sits.]

CLERK: Will the accused please stand?

[Clerk, defence, and Frank N. Stein stand.]

CLERK: Frank N. Stein, you are charged on one count - that on or about November 1, 2008, you did by strangulation, commit second degree murder of William Frankenstein. Mr. Frank N. Stein, how do you plead, guilty or not guilty?

FRANK: Not guilty.

CLERK: [Turning to judge.] The accused pleads not guilty, My Lady/Lord.

JUDGE: Good afternoon, ladies and gentlemen of the jury. Before beginning this trial, I am going to make a few comments about your role here today. As the judge in this case, it is my role to interpret and judge the law. As the jury, you are the judges of the facts and it is your duty to assess the evidence that is presented by the witnesses today.

There are two other principles that are important to your role as jurors. They are the presumption of innocence and the requirement of proof beyond a reasonable doubt.

Frank N. Stein is presumed to be innocent until the Crown has satisfied you beyond a reasonable doubt that he is guilty. The responsibility is on the Crown to prove each element of the crime Frank N. Stein has been charged with beyond a reasonable doubt. Because of the presumption of innocence, Frank N. Stein is not required to prove he is not guilty or to explain the evidence presented by the Crown.

Frank N. Stein is charged with one crime, second degree murder of William Frankenstein.

In order for you to find Frank N. Stein guilty of second degree murder, the Crown must prove the following elements beyond a reasonable doubt:

That Frank N. Stein committed an unlawful act;
The unlawful act caused William's death; and
That Frank N. Stein intended to cause William's death.

[CROWN OPENING.]

I now call the Crown to begin their case.

[Crown Counsel 1 stands and goes to lectern.]

CROWN 1: Ladies and gentlemen of the jury, this is a very important case. It is a case involving murder, one of the most serious crimes known to law. William Frankenstein has been murdered – and it is your task to decide who is legally responsible for his death.

The accused Frank N. Stein stands before you, charged with the murder of William Frankenstein. The accused is unlike any person you've met before. His life began in a laboratory. He has no mother or father. These facts, however, do not immunize him from abiding by the law. The evidence will show that the victim was the brother of Frank N. Stein's creator, Dr. Victor Frankenstein. You will hear evidence from the doctor about Frank N. Stein's creation and of his life.

I expect that you will hear evidence that Frank N. Stein asked the doctor to create him a mate – a girlfriend. But the doctor did not act quickly enough for Frank N. Stein, and so the accused tracked down the doctor's family.

You will hear evidence from Elizabeth Frankenstein, the younger sister of the doctor and of the victim. She will testify that the accused threatened her.

You will also hear evidence from Dr. Henry Clerval, a friend of Dr. Victor Frankenstein. He will testify that he saw the accused close to where the victim's body was found.

Finally, you will hear evidence from Sergeant Payne, who was the police officer at the scene of the crime. He will testify that certain evidence was found by the body which matched particular body parts on the accused.

This case has received a lot of media attention and I ask you, members of the jury, to forget all you have heard or seen about it. This case is not as black and white as the media would have you believe. Your deliberation as the jury must be shaped by the evidence that will be introduced in court and not by what you might have heard about it beforehand.

At the end of this trial, we will ask you to return a verdict that the accused, Frank N. Stein, is guilty of second degree murder. Thank You.

[Crown Counsel 1 sits.]

JUDGE: Is the Crown ready to call its first witness?

[Crown Counsel 2 stands and approaches lectern.]

CROWN 2: Yes, thank you my Lord/Lady. The Crown calls Dr. Victor Frankenstein to the stand.

[Victor Frankenstein enters from offstage and goes to witness box.]

CLERK: Would you like to affirm or swear an oath?

DOCTOR: Swear.

CLERK: Take the Bible in your right hand. [Pause as witness does so.] Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth, so help you God?

DOCTOR : I do.

CLERK: Please state your full name for the record.

DOCTOR: My name is Victor Frankenstein, Dr. Victor Frankenstein, M.D., Ph.D., W.M.D. Harvard. First in my class. You may address me as Doctor, for short.

CROWN 2: Thank you, Doctor. Can you tell us a little bit about what you do for a living?

DOCTOR: I'm a premier plastic surgeon, catering mostly to Hollywood stars who come to Vancouver to film movies. I also dabble in research and development, experimenting with the latest technology. I'm the one responsible for Botox, for example. Angelina Jolie has so much to thank me for.

CROWN 2: Aside from your professional work, do you conduct any research in your free time?

DOCTOR: Well, yes, I'm glad you asked. That's where I do my best work. I have a laboratory in my loft in Yaletown. My main interest is in artificial intelligence.

CROWN 2: Do you mean robots?

DOCTOR: No. Robots are so...impersonal. More like ... creatures. Living, breathing creatures.

CROWN 2: And in your loft, Doctor, did you have occasion to actually create such a creature?

DOCTOR: Yes I did, and it *was* quite an occasion, thank you. After years of hard work, my brilliance, passion and creative genius all came together to create that creature sitting over there [indicates the accused, shudders]. Initially, it was magical. An event, unparalleled in modern science, but something, I'm afraid, I have since completely regretted. My brilliant mind betrayed me.

CROWN 2: How did this all begin?

DOCTOR: Well, while in school, I became fascinated with life and anatomy. I remember sitting in medical school, holding a cadaver up to my own beating heart and imagining what it would take to bring this being back to life. I knew, if anyone, I had the mind to make it happen. I also know that in order to understand life, I had to study death.

CROWN 2: What happened next?

DOCTOR: Well, I went to Oceanview, Mountainview and other cemeteries in the Lower Mainland. I realized that there was so much raw material available and no one would care if it went missing. I sent my imbecile assistant Igor to patrol the graveyard and when the coast was clear, he would dig up the graves of our, ummm, donor candidates.

CROWN 2: Did you have consent to do this?

DOCTOR: I plead the fifth.

CROWN 2: You've been watching too much Law and Order, Doctor. There is no fifth in Canada.

DOCTOR: Well, let's just say, no one objected.

CROWN 2: Alright, Doctor, go on. Tell us what you did with the [pause] donor candidates? How did this help you unlock the secret of death?

DOCTOR: [angry] Life, counsel, the secret of life! In my quest to create life – first, I needed a vessel.

CROWN 2: Please explain, Doctor.

DOCTOR: I used the donors for their parts – you know, an arm here, a kidney there. I needed to construct a being to which I would use my genius to bring to life.

CROWN 2: Did you succeed, Dr. Frankenstein?

DOCTOR: [Sadly.] Only too well, counsel. Only too well. I created that thing ... sitting over there [points to the accused, covers his eyes in shame]. Ugh.

CROWN 2: For the record, the Doctor has indicated the accused. Tell us what happened after you gave life to this monster.

DEFENCE 1: [Stands.] I object, my Lord/my Lady. Calling my client a monster is grossly prejudicial.

CROWN 2: Well, if the shoe fits ...

DEFENCE 1: [Cuts off Crown Counsel 2.] He prefers the term “constructed being” [use air quotes].

JUDGE: Alright, as you wish. Go on, Doctor, answer the question. What happened after you created the constructed being?

DOCTOR: As brilliant as my initial idea had been, I confess, that after I gave life to that monst... - I mean, to him [nods toward accused], I realized how misguided I had been. I mean look at him – he’s horrible! Can you imagine him sipping lattes in Yaletown cafes?? I couldn’t – and in my horror, I locked him in the loft and ran away to SFU, far up Burnaby Mountain.

CROWN 2: Did anyone else know about the monster?

DOCTOR: Well, there’s my assistant Igor – but he’s so dumb, he can hardly be considered a person. And I had also confided in my best friend, Henry.

CROWN 2: Did you see the monster after the night you locked him up?

DOCTOR: Yes, many times. I don’t know how, but he must have escaped from our overpaid Yale-town security guard.

CROWN 2: Can you describe these encounters?

DOCTOR: Well, the other day, I was climbing the Grouse Grind with Henry, and I spotted him through the trees. Then, another time, on my way to work, I hopped on the B-line, and there he was at the back of the bus - he had a gortex coat on with the hood up, but his, er, stature, is unmistakable. Or I was in line at H&M, and out of the corner of my eye, I saw the glint of a bolt! Everywhere I went, there he was.

CROWN 2: Do you know why he was following you?

DOCTOR: Well, one day, I was at work, just about to put Brad Pitt’s nose on a lawyer from the North Shore, when I heard a tap on the window. I looked up and there he was again. I opened the window, not wanting to talk to him, but feeling I would have to if I wanted to be left alone. The monster told me I had to create him a girlfriend. A date for the – I think it was – the monster mash?

CROWN 2: The monster mash??

JUDGE: Oh yes – (singing) it’s a graveyard smash! [everybody looks at judge with confusion]

CROWN 2: So, did you create the being a girlfriend?

DOCTOR: Yes, I agreed on the promise that he never return to Yaletown again. She was made in the image of Rihanna just as the monster had asked - I even got her an umbrella. I had just finished, when I got the word about William ... and I thought SOS!

CROWN 2: SOS?

JUDGE: [Singing, excited] SOS, please. Someone help me! [regaining composure]... sorry ... go on. [Straightens his/her robes, looking a little embarrassed.]

DOCTOR: Yes, Henry texted me –

CROWN 2: What did the text say?

DOCTOR: “OMG. Will = dead L ttyl”

[Optional – counsel could present a poster with enlarged copy of text message as written in script.]

CROWN 2: What does that mean?

DOCTOR: William, my younger brother, was dead. He had been killed on Burnaby Mountain, and I knew it was the monster! He had grown impatient while waiting for me to finish his bride – he was out of control.

CROWN 2: Did you try to talk to the monster about this?

DOCTOR: I don’t negotiate with terrorists.

CROWN 2: No more questions. Your witness, counsel.

DEFENCE 1: Mr. Frankenstein.

DOCTOR: It’s Doctor Frankenstein, M.D., Ph.D., W.M.D. Call me Doctor.

DEFENCE 1: Okay, Doctor. You say that my client killed William. Do you have any evidence to support this?

DOCTOR: Well, not exactly. But he’s the only one who had motive. Plus, I suspect he comes from a sketchy background.

DEFENCE 1: What do you mean? I thought he came from your laboratory.

DOCTOR: Well, Igor harvested the – uh – parts. And well, we could only dig up graves from people that no one would miss. I’m not saying he is, or he isn’t, but well, Hell’s Angels have been known to favour Oceanview. I didn’t know whose brain I was putting inside that monster and I didn’t want to know. With Igor, I have a strict “don’t ask, don’t tell” policy.

DEFENCE 1: Ah – so you would say the brain belongs to someone else? A Hell’s Angel, even?

DOCTOR: It doesn’t matter, does it? That brain is in that monster’s head now and he killed my brother, with those ugly hands that also belonged to someone else at some point.

DEFENCE 1: Again, Doctor. That is quite an accusation. Do you have any evidence to support this allegation of murder, besides that you think he did it? You claim to be a scientist, Doctor. Doesn’t a scientist require evidence before he draws conclusions? [getting dramatic] Any evidence at all?

DOCTOR: [Stunned, speechless.]

DEFENCE 1: No further questions. [Triumphant]

JUDGE: Would the Crown like to re-examine the witness?

[Crown Counsel 2 stands.]

CROWN 2: No my Lord/Lady.

[Crown Counsel 2 sits.]

JUDGE: Doctor, [to witness] you may step down.

[Doctor leaves witness box and exits stage.]

JUDGE: Please call your next witness.

Crown Counsel 3 stands and approaches lectern.

CROWN 3: Thank you my Lord/Lady. The Crown calls to the stand Elizabeth Frankenstein.

[Elizabeth enters stage and sits in witness box.]

CLERK: Would you like to affirm or swear an oath?

ELIZABETH: I’ll affirm.

CLERK: Do you solemnly affirm that the evidence you shall give shall be the truth, the whole truth and nothing but the truth?

ELIZABETH: I do.

CLERK: Please state your full name for the record.

ELIZABETH: Elizabeth Frankenstein.

CROWN 3: And you’re the sister of the victim?

ELIZABETH: Yes, William was my brother. Now all I have left is Victor.

CROWN 3: For the record, note that by Victor, the witness is referring to Dr. Frankenstein, M.D., Ph.D., W.M.D. Tell us, Elizabeth, have you ever met the accused before?

ELIZABETH: Yes, once. I was on my way home from Silvercity, heading to the Skytrain with a bunch of friends. I dropped my transit pass and had bent down to pick it up, when my friends called out, “Yo, Frankenstein, speed it up, we’re going to miss the last train.”

CROWN 3: What happened then?

ELIZABETH: Well, I started to walk towards my friends, when he [pointing at accused] stepped in front of me – he asked me if I knew Victor Frankenstein. I answered “yeah – he’s my brother - what’s it to you, anyway, Shrek?”

FRANK : Hey - I’m not an OGRE. Shrek’s an ogre, for god’s sake.

JUDGE: Shrek! I love that movie [singing] “...and then I saw her face. Now I’m a believer. Not a trace of doubt in my mind. I’m in love.”

DEFENCE
1, 2 & 3: [singing] “ohhhhh”

[Frank gets up and plays the air guitar.]

JUDGE, FRANK, DEFENCE 1, 2 & 3:
[singing in chorus] I’m a believer

JUDGE: ahem ... Order in Court. Order in Court. Please carry on Elizabeth [who looks unimpressed and confused.]

ELIZABETH: So, when that ... whatever he is ... learned that Victor was my brother, he freaked out and started chasing me.

DEFENCE 2: Objection. Just because the accused chased Elizabeth, doesn’t mean he later attacked William. My Lord/Lady, will you please ask the jury to disregard this statement.

CROWN 3: My Lord/Lady – I’m merely trying to establish there is a pattern to the accused’s behaviour.

JUDGE: I’ll allow it. This is similar fact evidence. The witness may continue.

ELIZABETH: I screamed, ran to my friends and barely made it on to the Skytrain, he was reaching for my neck with his gigantic hands when the doors closed in front of me. I was terrified – I thought he was going to kill me.

CROWN 3: Thank you, Elizabeth. [turning to defence table] Your witness.

[Defence Counsel 2 stands.]

DEFENCE 2: No questions, my Lord/Lady.

FRANK: [Outburst] What? Why didn't you ask her any questions? What am I paying you lawyers for?

JUDGE: Quiet, Mr. Stein!

SHERIFF: [Stage whisper.] Sometimes it's better not to attack sympathetic witnesses.

[Crown Counsel 1 stands.]

CROWN 1: The Crown calls Dr. Henry Clerval.

CLERK: Would you like to affirm or swear an oath?

DR. CLERVAL: Swear.

CLERK: Take the Bible in your right hand. [Pause as witness does so.] Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth, so help you God?

DR. CLERVAL: I do.

CLERK: Please state your full name for the record.

DR. CLERVAL: Dr. Henry Clerval.

CROWN 1: Dr. Clerval, what do you do for a living?

DR. CLERVAL: Well, I'm a medical doctor by trade, a plastic surgeon. I specialize in liposuction.

CROWN 1: How do you know the victim, Dr. Clerval?

DR. CLERVAL: I went to school with his older brother, Dr. Victor Frankenstein, M.D., Ph.D., W.M.D. He's been my BFF since Grade 8.

CROWN 1: Were you involved with the creation of the monst ...err, constructed being?

DR. CLERVAL: Me? Oh no no no. The Doctor was always the brains behind our bromance.

CROWN 1: Pardon me?

DR. CLERVAL: Well, I mean, he was always the smart one, you know, always got the good grades, won the science fair, got all kinds of scholarships. He carried me through high school and then med school afterward ... It was at med school that he developed this passion about creating life.

CROWN 1: And you didn't share this passion?

DR. CLERVAL: Gosh no. The Doctor was obsessed – it took over his life. He was down to two face lifts a week at one point. I was just trying to get by, make a living, you know. But after the Doctor actually succeeded and created that being [shrugs/nods toward the accused], he was totally distraught.

CROWN 1: What makes you say that?

DR. CLERVAL: He was completely paranoid, looking behind his back wherever we went – on the bus, at H&M, as if he was being followed. I thought he was going crazy, until I saw it with my own eyes one day when climbing up the Grouse Grind with the Doctor.

CROWN 1: And by “it”, you mean the accused?

DR. CLERVAL: Yes, that ... thing.

CROWN 1: Dr. Clerval, what were you doing on November 1, 2008, the day William died?

DR. CLERVAL: I had gone mountain biking on Burnaby Mountain. As I was going down a trail, I caught a glimpse of something shiny – a glint of something metallic, like a bolt or something. I looked over, and there he was - I saw the monster running through the woods towards the parking lot. I stopped to text the Doctor to warn him.

CROWN 1: What did you text?

DR. CLERVAL: “SOS, please.”

JUDGE: [singing] “Someone help me ...”

[Everyone looks a little oddly at the judge.]

DR. CLERVAL: Then I noticed poor William. He was lying alone in the woods, his mountain bike beside him. His face was blue. There was no question about it - he was dead – strangled to death.

CROWN 1: Thank you, Dr. Clerval. Your witness.

DEFENCE 3: Tell me, Dr. Clerval. Are you a good mountain biker?

DR. CLERVAL: I’m not as good as the Doctor, but I can hold my own.

DEFENCE 3: Would you say you were travelling fast as you went down Burnaby Mountain on November 1?

DR. CLERVAL: I’m not as fast as the Doctor, but yeah, I was going pretty fast.

DEFENCE 3: And how would you describe the weather conditions on November 1?

DR. CLERVAL: Well, it was typical Vancouver weather: it was pouring!

DEFENCE 3: It was raining?

DR. CLERVAL: Yeah, a downpour.

DEFENCE 3: And were you wearing your glasses, Dr. Clerval?

DR. CLERVAL: I don't wear glasses since the Doctor fixed my eyesight with laser eye surgery. I had the surgery just a few weeks before that day.

DEFENCE 3: And when you saw the monster, you say you saw him through the trees?

DR. CLERVAL: That's right. Hey – I know what you're getting at. I'm sure it was him. I mean look at him – who else could it have been? Shrek???

JUDGE: [Singing.] "Now I'm a believer."

DEFENCE 3: Dr. Clerval, have you ever seen this monster when he hasn't been running through trees in the distance?

DR. CLERVAL: Well, uh – no – but I'm positive it was him.

DEFENCE 3: One more question, Dr. Clerval. Isn't it true you would do anything to help the Doctor? He's your BFF after all, isn't he? He got you through high school and med school. He got you started in practice. You might say you even...owe him?

DR. CLERVAL: It's true – the Doctor is like my Brother from another Mother. But I'm telling the truth. I swear.

DEFENCE 3: No more questions.

[Defence Counsel 3 sits.]

JUDGE: Would the Crown like to re-examine the witness?

[Crown Counsel 3 stands.]

CROWN 3: No my Lord/Lady.

[Crown Counsel 3 sits..]

JUDGE: [To witness] you may step down.

[Henry leaves stage.]

JUDGE: Crown, your next witness?

[Crown Counsel 2 stands and approaches lectern.]

CROWN 2: The Crown calls Sergeant Payne.

[Sergeant Payne enters stage and sits in witness box.]

CROWN 2: Would you like to affirm or swear an oath?

SERGEANT: Swear.

CROWN 2: Take the Bible in your right hand. [pause as witness does so] Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth, so help you God?

SERGEANT: I do.

CROWN 2: Please state your full name for the record.

SERGEANT: My name is Sergeant Payne.

CROWN 2: Can you please state your job and your qualifications for the record?

SERGEANT: I am an officer with the RCMP. I have been an officer for 22 years and have investigated 7000 murders. I have been a forensics specialist for 21 of my 22 years as a member of the RCMP. As well, my brother is a forensics specialist and my father was a forensics specialist and my father's father was a forensics specialist.

CROWN 2: What did your father's father's father do?

SERGEANT: Uh. He was a plumber.

CROWN 2: My Lord/Lady, I'd like to qualify this witness as an expert in the field of forensics.

JUDGE: Are there any objections?

DEFENCE 1: No, my Lord/Lady.

JUDGE: Go ahead, the witness is qualified as an expert in the field of forensics.

CROWN 2: Did you have occasion to attend the scene of William Frankenstein's murder?

SERGEANT: Yes, I was called to the scene on November 1, 2008 at Burnaby Mountain shortly after the murder was reported. I was responsible for securing the scene of the crime.

CROWN 2: What was the first thing you did when you arrived at the scene?

SERGEANT: First, I pulled out my regulation yellow police tape. My father always said that the key to investigating crime is yellow police tape.

CROWN 2: Can you tell us about what you saw when you arrived?

SERGEANT: When I arrived, I saw the victim lying on the ground beside a mountain bike.

CROWN 2: Did you determine how he died?

SERGEANT: Yes, by strangulation.

CROWN 2: How did you know?

SERGEANT: There were two large bruises on his neck. I looked closer and could see bruises were in the shape of handprints. Something seemed unusual though. It seemed like the two handprints were two different sizes, as if they were two different hands! [holds up hands and looks at his own hands] As if he was strangled by two different people...

CROWN 2: Or one person with two different hands?

DEFENCE 1: Objection, my Lord/Lady. Leading question.

CROWN 2: I'll rephrase the question, my Lord/Lady. Did you ever find an explanation for the two different sized handprints?

SERGEANT: At first, I was baffled. But then, we arrested the accused and I had an opportunity to measure the hands of the accused. [in amazed voice] Once I had completed the comparison, I came to the conclusion that the accused had two different hands from two different people!

CROWN 2: What else did you see at the scene of the crime?

SERGEANT: I found a large metal bolt.

CROWN 2: [Holding up exhibit bag.] Do you recognize this bolt as the bolt you found?

SERGEANT: [Takes exhibit.] Yes.

CROWN 2: My Lord. I'd like to enter this as Exhibit #1.

JUDGE: Any objections?

DEFENCE 1: No, my Lord/Lady.

JUDGE: Clerk, please mark this as exhibit #1.

CROWN 2: Do you have any idea where the bolt came from?

SERGEANT: Well, upon examining the accused, I noticed that he had a screw loose [pause – Officer is being serious, doesn't realize he's made a joke]

CROWN 2: What do you mean, he had a screw loose? Are you saying he was crazy?

SERGEANT: No, I mean he had a loose screw! The accused had one bolt on side of his head and a hole on the other side. After seeing the hole in Frank N. Stein's head, I concluded that this bolt had come loose from the accused's head during the murder.

CROWN 2: No more questions, my Lord/Lady.

JUDGE: Your witness, defence counsel.

DEFENCE 2: Thank you, my Lord/Lady.

[Defence Counsel 2 stands.]

DEFENCE 2: So you testified that there were two different sized handprints?

SERGEANT: Yes.

DEFENCE 2: And you testified that it was as if the two handprints had come from different people?

SERGEANT: Yes.

DEFENCE 2: So, isn't it possible that the victim was, in fact, strangled by two different people?

[The other two defence counsel stand up on either side of Defence Counsel 2 and each put a hand on his neck, as if strangling him.]

DEFENCE 2: [In strangled voice.] Isn't it possible?

SERGEANT: Well, I guess I can't rule it out.

[Defence Counsel 2 appears very proud of himself, straightens his clothes in pride and sits down.]

[Defence Counsel 2 stands up holding a bag of bolts. As Defence Counsel 3 is examining Sergeant Payne, he drops the bag of bolts on the table with a thud and begins to dramatically play with a bolt.]

DEFENCE 3: Sergeant, going back to the bolt. Was the bolt you found unusual in any way?

SERGEANT: You mean beyond the fact that it was found at the scene of a murder? No, I guess not.

DEFENCE 3: Isn't it true that bolts like this are sold in all sorts of hardware stores everywhere?

SERGEANT: I suppose. You couldn't prove otherwise by me.

DEFENCE 3: Did you try to match this bolt to any other bolt besides the bolt in my clients head?

SERGEANT: No.

DEFENCE 3: Not only would it potentially match the bolt in my clients head, it would also match thousands of bolts found in hardware stores everywhere?

SERGEANT: If you say so.

DEFENCE 3: So, isn't it true that you can't connect this bolt to my client?

SERGEANT: Well, I guess I can't say.

DEFENCE 3: Did you even measure the bolt to establish if it fit the hole in my clients head? Did you try to screw it in?

SERGEANT: No.

DEFENCE 3: Well, if the bolt doesn't fit, you must acquit! [pause...beams at his joke] No more questions, my Lord/Lady

[Defence 3 sits.]

[Crown 3 stands.]

CROWN 3: The Crown rests its case, my Lord/Lady.

[Crown 3 sits]

JUDGE: Does the Defence wish to call evidence?

[Defence 1 stands.]

DEFENCE 1: The defence does, my Lord/Lady.

JUDGE: Very well, would the defence like to make an opening statement?

DEFENCE 1: Yes, thank you my Lord/Lady.

[DEFENCE OPENING]

[Defence 1 approaches lectern.]

DEFENCE 1: [To Jury.]

Ladies and gentlemen of the jury, my client is not like you or I. He was created by a modern day mad scientist; a doctor so sure of his own brilliance that he didn't care what kind of being he created.

You will hear evidence from Dr. Igor, the assistant of Dr. Frankenstein. He will provide more details as to how Mr. Stein was created, specifically that Dr. Frankenstein gave my client the brain of a murderer.

You will also hear the testimony of Ms. Bride O. Frankenstein. Since it is difficult for us to understand what the life of a constructed being is like, Ms. Bride O. Frankenstein will tell you what it is like to inherit the personality of the people whose body parts she now owns.

Finally, you will hear evidence from my client. He will tell you about his background and his struggles with the brain that he cannot control.

At the close of this trial, we will ask you to return a verdict of not guilty.

[Defence 1 sits.]

JUDGE: Please call your first witness.

[Defence 2 stands and approaches lectern.]

DEFENCE 2: The defence calls Dr. Igor to the stand

[Igor shuffles to the stand, walking with a hunchback. Igor talks with the typical accent of the Igor we know from the movies. He has a slur and draws out his “ssss’s” (as in “yesss, massster”). He sounds and looks like an uneducated servant. Igor walks using a shovel as a cane. As he walks up to the stand, he says...]

IGOR: Don’t mind the shovel.

CLERK: Would you like to affirm or swear an oath?

IGOR: Affirm.

CLERK: Do you solemnly affirm that the evidence you shall give shall be the truth, the whole truth and nothing but the truth?

IGOR: Yessss

CLERK: Please state your full name for the record.

IGOR: Dr. Igor.

CLERK: Please state your last name.

IGOR: I just have one name – you know, like Dr. Dre.

JUDGE: Your witness.

DEFENCE 2: Thank you my Lord/Lady. Now, Dr. Igor...Can you tell us how you know Dr. Frankenstein, M.D., Ph.D. W.M.D.?

IGOR: We went to Harvard medical school together. I was second in our class.

DEFENCE 2: Who was first?

IGOR: [long pause, reluctant to answer] Dr. Frankenstein.

DEFENCE 2: How would you describe Dr. Frankenstein?

IGOR: He is a jerk. He stole my youth from me, my hopes, my career, my posture. When I first started working for Dr. Frankenstein, I looked like Brad Pitt from Troy. Now, I look like old Brad Pitt from Benjamin Button.

DEFENCE 2: How did you come to work for Dr. Frankenstein?

IGOR: After we graduated, he said we’d work closely together on the cutting edge of plastic surgery. He promised me everything under the rainbow.

JUDGE: [singing] “Somewhere over the rainbow ...”

DEFENCE 2: So he never told you you'd be digging up bodies?

IGOR: No. He just told me I'd have a lot of patient interaction. He didn't tell me the patients would be dead.

DEFENCE 2: Were you involved in creating my client?

IGOR: Yessss, I was involved from the very beginning. My master would order me to collect body parts for him.

DEFENCE 2: And by Master, who do you mean?

IGOR: Dr. Frankenstein, M.D., Ph.D., W.M.D.

DEFENCE 2: And where did you collect these body parts from?

IGOR: [sarcastically] From bodies.

DEFENCE 2: And where were the bodies?

IGOR: [sarcastically] in graves

DEFENCE 2: What kind of bodies did you look for?

IGOR: Ones that wouldn't be missed. So, I targeted the graves of criminals because I thought nobody would miss them.

DEFENCE 2: So, did my client's body parts come from criminals?

IGOR: Yesssss, entirely.

DEFENCE 2: Including his brain?

IGOR: Yesssss.

DEFENCE 2: And do you know exactly who you got his brain from?

IGOR: Well, let's see, I got his legs from someone who jumped bail, his arms from an armed robber and his brain came from a section of the graveyard that was full of murderers.

DEFENCE 2: So, you have testified that you harvested the brain of a murderer. Are you certain that Frank N. Stein has a brain of a murderer?

IGOR: Yessss.

DEFENCE 2: No more questions, my Lord/Lady.

[Defence 2 sits.]

JUDGE: Crown, would you like to cross-examine this witness?

[Crown Counsel 1 stands and approaches lectern.]

CROWN 1 : I would, my Lord/Lady.

JUDGE: Proceed.

CROWN 1: Dr. Igor, you know you are under oath, don't you?

IGOR: Yessss.

CROWN 1: So you know you must tell the truth?

IGOR: Yesss, I'm always honest.

CROWN 1: Well, you say "always", but that's not exactly true, is it, Dr. Igor? Isn't it true that you cheated on an exam when you were at Harvard medical school?

IGOR: How did you find out about that! I was young & foolish!

CROWN 1: If you lied then, what's to stop you from lying now? And isn't it true that the only reason you're testifying is because you want the credit for Dr. Frankenstein's work?

IGOR: It's not fair! I did all the work. I dug up all the graves. I was up to my elbows in kneecaps!

CROWN 1: No further questions.

[Crown Counsel 1 sits.]

JUDGE: Would the Defence like to re-examine the witness?

[Defence 2 stands.]

DEFENCE 2: No, my Lord/Lady.

[Defence 2 sits.]

JUDGE: [to witness] You may step down.

[Igor shuffles off stage.]

IGOR: Don't mind the shovel.

JUDGE: Defence counsel?

[Defence 3 stands and approaches lectern.]

DEFENCE 3: The Defence calls Bride O. Frankenstein.

CLERK: Would you like to affirm or swear an oath?

BRIDE: Swear.

CLERK: Take the Bible in your right hand. [pause as witness does so] Do you swear that the evidence you shall give shall be the truth, the whole truth and nothing but the truth, so help you God?

BRIDE: I do.

CLERK: Please state your full name for the record.

BRIDE: Bride O. Frankenstein. [in a prissy voice] That's B-R-I-D-E-SPACE-INITIAL-O-F-R-A-N-K-E-N-S-T-E-I-N.

JUDGE: Your witness, defence counsel.

DEFENCE 3: Thank you, my Lord/Lady.

DEFENCE 3: Bride, you are a constructed being. Can you tell us about your background?

BRIDE: I was constructed by Dr. Frankenstein. Originally, I was created to be married to that, that ... [pointing at Frankenstein] disaster over there. As you can see, Dr. Frankenstein's technique has improved dramatically. I was constructed from the bodies of an actress, a dancer and a model.

DEFENCE 3: And how has this worked out for you?

BRIDE: Well, I have had my ups and downs. You may have seen me as an extra in season 4 of the Simple Life or as a contestant on Canada's Next Top Model..My biggest success was as a contestant on Survivor.

JUDGE: [Wakes up] Survivor?! [singing] "I will survive! As long as I know how to love..."

BRIDE: [Begins to sing with judge] "I know I'll stay alive!"

[Both get up and begin to disco dance.]

DEFENCE 3: Ahem. I can see you're quite talented, but if you've only had limited success, have you ever thought about giving up acting?

BRIDE: I've tried, but I can't! It's like I have no control. I always say, you can take the brain out of the star, but you can't take the star out of the brain.

DEFENCE 3: Can you explain further?

BRIDE: Well, you have to understand, for a constructed being, you receive all the characteristics of the person whose brain you have. It's not my brain, these choices are out of my hands...[looking at her hands, getting emotional] well, whoever's hands these are. [Bride begins to cry into her hands]

DEFENCE 3: [Aside to audience, shaking head.] Actresses! No further questions.

[DEFENCE 3 sits.]

JUDGE: Do you wish to cross-examine the witness, Crown counsel?
[Crown Counsel 2 stands and approaches lectern.]

CROWN 2: I do, my Lord/Lady.

JUDGE: Very well...you may proceed when ready.

CROWN 2: Ms. Frankenstein, what did you have for breakfast today?

BRIDE: Waffles. They're my favourite!

CROWN 2: Have you seen any movies lately?

BRIDE: Twilight! I've seen it four times already! That Edward is such a hottie!

CROWN 2: That's a very nice sweater you're wearing. Did you pick it yourself?

BRIDE: Yes. I got it at Le Chateau.

CROWN 2: Did you have to eat waffles this morning?

BRIDE: No, I guess.

CROWN 2: Did you have to watch Twilight four times?

BRIDE: Doesn't everyone?

CROWN 2: Did you have to buy that sweater?

BRIDE: At that price I did!

CROWN 2: Isn't it true that you seem to be quite capable of making any number of choices on a regular basis.

BRIDE: Pardon me?

CROWN 2: Wouldn't you say you make your own decisions, many of them, each and every day? It's not your testimony that you do these things because you inherited the brain of a vampire loving, waffle eating, sweater wearer? Is it?

BRIDE: I don't know! I just don't know!

CROWN 2: No further questions, My Lord/Lady.
[Crown Counsel 2 sits.]

JUDGE: Would the defence like to re-examine the witness?
[Defence 3 stands.]

DEFENCE 3: No my Lord/Lady.

[Defence 3 sits.]

JUDGE: [To witness.] You may step down.

[Bride leaves witness box and exits stage.]

JUDGE: Please call your next witness.

[Defence 1 stands and approaches lectern.]

DEFENCE 1: Thank you my Lord/Lady. The defence calls Frank N. Stein to the stand.

[Frank N. Stein rises from accused's box and sits in witness box.]

CLERK: Would you like to affirm or swear an oath?

FRANK: I'll affirm.

CLERK: Do you solemnly affirm that the evidence you shall give shall be the truth, the whole truth and nothing but the truth?

FRANK: I do.

CLERK: Please state your full name for the record.

FRANK: Frank N. Stein That's "Frank" "Initial N." "Stein".

JUDGE: Your witness.

DEFENCE 1: Thank you my Lord/Lady. Mr. Stein, how do you know Dr. Frankenstein, M.D., Ph.D., W.M.D.

FRANK: Well, one of my oldest memories is being strapped to an electric chair and someone was asking me if I had any last words. But then, the next thing I remember is waking up in Dr. Frankenstein's loft. The doctor was standing over me with jumper cables and I said "Don't tase me, bro!" Dr. Frankenstein started yelling "It's Alive! It's Alive!" And I was like "OMG! My head feels like someone drilled a hole into it"

DEFENCE 1: And then what happened?

FRANK: The doctor like totally freaked. He jetted out of there and locked me in his Yaletown loft with nothing, but local cable. Hello? TiVo?

DEFENCE 1: And then what happened?

FRANK: After two weeks of surviving O.C. reruns and stale pizza, I finally broke out of the loft by promising the security guard a double chocolate chip frappaccino and went to look for Dr. Frankenstein.

DEFENCE 1: Why were you looking for him?

FRANK: Dude, I was like Brad without my Angelina! I had seen an ad on TV for the monster mash and I knew from the OC that I like had to have a date. But I also knew I didn't look like normal people. I needed Dr. Frankenstein to make me a girlfriend.

DEFENCE 1: Did you find him?

FRANK: Yes. It was very difficult. He kept running away. Finally, when I found him, I told him what I wanted – a girl just like Rihanna.

DEFENCE 1: And how did that work out for you?

FRANK: Well...I asked for a Bride and I got a Bridezilla. How do you think it worked out for me?

DEFENCE 1: We'll get to that, Mr. Stein, but for now, tell us what happened after you told Dr. Frankenstein that you wanted a girlfriend?

FRANK: I had to wait and wait and wait. Dr. Frankenstein was taking forever! Then he disappeared. I had to track him down all over again. I couldn't find him, so I hired a private investigator to spy on his family because they might know where he was. I learned that Elizabeth went to the movies often and that William was into mountain biking. I went looking for each of them to see if they knew anything.

DEFENCE 1: Did you ever find them?

FRANK: Well, I remember finding Elizabeth outside the mall. And I wanted to ask her if she knew where Dr. Frankenstein was, but like everybody else I meet, she ran away from me and wouldn't even talk to me. What's up with that? It made me so mad. [looks ashamed] I lost control, I started to chase her and if she hadn't got away, I don't know what would have happened. It's not my fault, I was made that way!

DEFENCE 1: Did you ever find William?

FRANK: Yes. By the time I found him, I was so frustrated with the Frankensteins. First, the doctor had promised me a girlfriend, his sister wouldn't even talk to me. I'd already missed the Monster Mash. I couldn't take it anymore. It was his fault I was so ugly and miserable. It's his fault I have no friends. I'm all by myself, all the time!

JUDGE: [Singing.] "Alllllll byyyy myyyself....don't want to be...all by myself anymore..."
[Judge composes himself or herself.]

DEFENCE 1: What happened when you found William?

FRANK: I confronted him, but he wouldn't tell me where Dr. Frankenstein was. At first, I just wanted to talk to him, but he just wouldn't listen. The next thing I know, I saw my hands around his neck. It was terrible, but I couldn't stop it.

DEFENCE 1: Thank you, Mr. Stein, I understand this is difficult. I just have one more question: can you tell the jury what's it like to be a constructed being?

FRANK: It's really hard. Mostly, I'm really lonely and I'm always getting in trouble, especially with the cops. No matter what I try to do, I just can't help myself. I try to control my temper, but my therapist says I have anger issues.

DEFENCE 1: How did your therapist come to that conclusion?

FRANK: Well, he said that when I was dangling him out the window.

DEFENCE 1: Mr. Stein, where do you think all this anger comes from?

FRANK: It's not my fault, it's almost like this is what I was made to do. I didn't ask for this body and I didn't want this brain.

DEFENCE 1: No further questions.

[Defence 1 sits.]

JUDGE: Do you wish to cross-examine the witness, Crown counsel?

[Crown 3 stands and approaches lectern.]

CROWN 3: I do, my Lord/Lady. [pause] You blame Dr. Frankenstein for your unhappiness, don't you?

FRANK: Well, my therapist said it was his fault!

CROWN 3: Was this before or after you hung your therapist out the window?

FRANK: Before. Definitely, before.

CROWN 3: In fact, you hate Dr. Frankenstein, don't you?

FRANK: Well, I wouldn't shed a tear if he was gone...even if he had bothered to give me tear ducts, that is.

CROWN 3: I put it to you that you want Dr. Frankenstein to suffer, to be as lonely as you are?

FRANK: Well, that's what he deserves.

CROWN 3: We've heard testimony that you attempted to assault Ms. Elizabeth Frankenstein, but you couldn't stop yourself?

FRANK: No, I couldn't

CROWN 3: And we've heard that you killed William Frankenstein, but you couldn't stop yourself?

FRANK: I couldn't! It's not my fault.

CROWN 3: But, you keep looking for the Frankensteins. It's your testimony that you can't stop yourself from attacking the same people over and over?

FRANK: My mind has a mind of its own?

CROWN 3: So you went looking for someone you hated and then you killed them. I put it to you that you made a conscious decision to kill William.

FRANK: No, it's not like that at all.

CROWN 3: No further questions.

[Crown 3 sits.]

JUDGE: Would the defence like to re-examine the witness?

[Defence 1 stands.]

DEFENCE 1: No, My Lady/My Lord.

[Defence 1 sits.]

JUDGE: [To witness.] You may step down.

[Frank N. Stein leaves witness box and returns to seat on stage.]

JUDGE: Anything further, defence counsel?

[Defence 2 stands.]

DEFENCE 2: The defence rests, my Lord/Lady.

JUDGE: Very well. Proceed with your closing statement.

DEFENCE 2: Thank you my Lord/Lady.

[DEFENCE CLOSING]

[Defence 3 stands and both Defence 2 and Defence 3 approach lectern.]

DEFENCE 2: Ladies and gentlemen of the jury, I'd like to start by reminding you of what his/her lordship/ladyship said at the outset of this trial: it is the Crown's responsibility to prove beyond a reasonable doubt that Mr. Frank N. Stein is guilty of the second degree murder of William Frankenstein. I think when you consider the evidence you've heard today you can only conclude that the Crown has not discharged that burden.

There are no independent eyewitnesses who actually saw my client commit the murder. The bruising on the victim's neck is consistent with two attackers. The police work in this case was shoddy – the lead investigator apparently didn't learn enough from the 7000 murders he claims to have investigated to take the simple step of matching the bolt found at the scene to the remaining bolt in my client's head.

But most importantly, ladies and gentlemen, even leaving all that aside, you simply cannot be convinced beyond a reasonable doubt that my client intended to kill William

Frankenstein or had any choice in the matter whatsoever. And if you can't be sure of that, you can't convict him of murder.

DEFENCE 3: Mr. Stein's creator, a plastic surgeon, became so obsessed with creating life that he stitched my client together out of body parts he had his assistant steal from local cemeteries and then brought him to life. Did he care where the body parts came from? In his own words, "Don't ask, don't tell". Just don't get caught, he told Igor. And when he saw what he'd created by playing God, did he act like a responsible scientist? No. He was so ashamed and horrified that he simply imprisoned my client in his laboratory and fled.

If the doctor didn't care where my client's parts come from, should you? Does it matter? Yes. You've heard from the being created to be Mr. Stein's date to the monster mash – the only other constructed being in existence. She told you that constructed beings receive the characteristics of the persons whose brains they are given. She told you of her uncontrollable compulsions to sing and dance as a result of her actress's brain. You can take the brain out of the star, she told you, but you can't take the star out of the brain. The evidence before you suggests that where constructed beings are concerned, the parts make all the difference.

So where did they come from? Dr. Frankenstein's assistant, Igor, told you where. They came from criminals! He cut up the corpses of criminals because he knew nobody would miss them. Most importantly, he told you that he was certain – certain! – that my client's brain is the brain of a murderer.

That is consistent with the testimony of my client, Mr. Frank N. Stein himself. Just as his intended date for the monster mash cannot stop herself from singing and dancing, he testified that he cannot stop himself from committing acts of violence. He has no more choice in the matter than she does. That's how it is for constructed beings. That's what the good doctor ought to have guarded against. You can take the brain out of the murderer, but you can't take the murderer out of the brain.

DEFENCE 2: The Crown will argue that these are not random violent acts by a monster who cannot control himself. It's no coincidence, you'll be told, that Mr. Stein kept seeking out the same people – members of the doctor's family – and targeting them for violence. But Mr. Stein has explained that he didn't seek out the Frankensteins intending any harm to come to them. He was simply trying to locate the one person in the world who could help him – the one person in the world who could create a companion for him and had promised to do so – the person who abandoned him when he didn't turn out perfectly: Dr. Victor Frankenstein, M.D., Ph.D., W.M.D.

Ladies and gentlemen, I submit to you that you simply do not have proof beyond a reasonable doubt on the element of intent and I ask you to return a verdict of "not guilty". Mr. Stein is no more than the sum of his criminal parts. He cannot be held criminally responsible for William Frankenstein's death. Thank you.

[Defence counsel sit.]

JUDGE: Crown? Your closing argument?

[Crown Counsel 2 stands.]

CROWN 2: Thank you my Lord/Lady.

[CROWN CLOSING]

[Crown Counsel 2 approaches lectern.]

CROWN 2: Ladies and gentlemen of the jury – William Frankenstein was killed, strangled to death, on the afternoon of November 1, 2008, when mountain biking on Burnaby Mountain. This much is uncontroversial. It is also uncontroversial that the accused, Mr. Frank N. Stein, caused the death of William. Not only does the evidence of the eyewitness, Dr. Henry Clerval, place him at the scene of the crime, but a bolt just like the one missing from his head was found by William’s body. Moreover, Mr. Stein told you himself that he killed William. “I saw my hands around his neck”, he told you. He strangled William with his own hands. And don’t let him fool you – those mismatched hands belong to him and no one else.

The only question that remains before you is whether Mr. Stein intended to cause the death of William. I submit to you that Mr. Stein’s intention to kill is clearly established on the evidence before you, beyond all reasonable doubt.

How could you conclude otherwise? Let’s consider the evidence you have heard. Dr. Victor Frankenstein testified that Mr. Stein hunted him down, refusing to leave him alone unless he created him a girlfriend. Mr. Stein himself told you he was so impatient for a girlfriend, he hired a private investigator to follow not only the Doctor, but the Doctor’s family. Mr. Stein followed Elizabeth to the movies, where she testified that he threatened her. Mr. Stein then sought out William, tracking him down at his favourite mountain biking destinations. This is the behaviour of a man in control of his own actions. He did these things deliberately and for a purpose.

When Mr. Stein found William, he testified that he saw “his hands around his neck”. Mr. Stein said “I couldn’t stop it”. I’m sure we’ve all felt this way before. Sometimes, we “can’t get out of bed” or we “couldn’t say no to that last piece of cake”. Does that make us any less responsible for sleeping in or indulging ourselves? Of course not – and I submit to you that it does not make Mr. Stein any less responsible for William’s death.

It’s Mr. Stein’s testimony that his violent tendencies are out of his control: the result of a brain that belongs, not to him, but to some murderer long passed away. However, the reality is that brain, regardless of its origins, is screwed into Mr. Stein’s head at the moment and he must take responsibility for its choices. Mr. Stein’s counsel told you that the accused is nothing more than the sum of his criminal parts. Well, it was those parts that killed William and it is Mr. Stein, the sum of those parts, that is responsible.

Thank you.

[Crown Counsel 2 returns to seat.]

[JURY CHARGE]

JUDGE: Ladies and gentlemen of the jury, that concludes the evidence in this case. You have heard that the accused caused the death of William Frankenstein. The only question before you is whether the accused intended to kill William Frankenstein.

You have heard testimony about how the accused was created. It is up to you to determine whether the fact that Frank N. Stein is a constructed being means that his actions are beyond his control.

If you are satisfied that the Crown has proven beyond a reasonable doubt that Frank N. Stein was capable and did in fact, choose to kill William, then you must find him guilty of murder in the second degree. However, if there is a reasonable doubt in your mind that Frank N. Stein did not mean to cause William's death and could not stop himself from causing William's death, then you must acquit him of that crime.

You may now proceed to the jury room for deliberations. Your verdict must be unanimous. That is to say, everyone must agree with the decision. When you have reached a verdict please inform the sheriff. He/she will inform the Court that you are ready to return to the courtroom to announce your verdict.

[Jury leaves the courtroom for deliberations. Defence, Crown, and Frank N. Stein stand out of respect for the jury. Sheriff directs the jury to the Jury Room.]

JUDGE: Thank you counsel. We will now adjourn until the jury returns with the verdict.

CLERK: Order in Court. This court is adjourned to await the return of the jury.

[All stand while the judge leaves the courtroom. Defence 3 walks over to Frank N. Stein..]

FRANK: How long is this going to take?

DEFENCE 3: It depends on how long it takes for the jury to reach a verdict. The clerk will let us know by saying...

CLERK: [interrupting] Order in Court.

DEFENCE 3: That!

[Defence 3 returns to counsel seat. Judge enters the courtroom. Everyone stands.]

JUDGE: You may be seated. Madam Registrar, has the jury reached a verdict?

CLERK: They have, My Lord/Lady.

JUDGE: Sheriff, please bring the jury in.

[Defence, Crown, and Frank N. Stein stand as sheriff directs the jury to their seats. Everyone can be seated when the jury sits.]

CLERK: Members of the jury, have you reached a verdict?

[Foreperson stands.]

FOREPERSON: Yes, we have.

CLERK: Mr./Madam Foreperson, what is your verdict in the sole count of murder in the 2nd degree?

FOREPERSON: Guilty/not guilty.

CLERK: [To the Judge] The jury finds the accused guilty/not guilty, My Lord/Lady.

CLERK: Members of the jury, listen to your verdict as the court does not record it. You find the accused Frank N. Stein guilty/not guilty of second degree murder. This is your verdict, so say you all. Please stand to confirm your verdict.

[All members of the jury stand.]

CLERK: The verdict is unanimous, My Lord/Lady.

JUDGE: [If verdict is guilty.] Mr. Frank N. Stein, a jury of your peers has found you guilty of murder in the second degree. Sheriff, please take this man into custody.

[If verdict is not guilty.] Mr. Frank N. Stein, a jury of your peers has found you not guilty. You are free to go.

Ladies and gentlemen of the jury, we thank you for acting as jurors in this matter. Both society and the law benefit from your contribution. In return, I hope you have found it to be an interesting and rewarding experience.

CLERK: This Court stands adjourned. Order in Court.

[All stand while the judge leaves the courtroom.]

[All lights go out.]

Cast of Characters

Speaking parts

Witnesses	Crown Lawyers	Defence Lawyers	Court Personnel
Dr. Frankenstein	Crown Counsel 1	Defence Counsel 1	Judge
Elizabeth Frankenstein	Crown Counsel 2	Defence Counsel 2	Court Clerk
Dr. Henry Clerval	Crown Counsel 3	Defence Counsel 3	Sheriff
Police Officer/ Forensic Specialist			Jury Foreperson
Dr. Igor			
Bride O.of Frankenstein			
Frank N. Stein, the mon- ster			

Non-speaking parts: 11 jury members.

Props Required

Costumes and exhibits can be prepared.
Note: No gavels in Canadian courtrooms!

Character Descriptions

Dr. Frankenstein: Dr. Frankenstein is an ego-maniac with a “god complex”. He is full of himself and overly confident in his abilities. He has achieved a lot of success as a plastic surgeon and looks down on others.

Elizabeth Frankenstein: Elizabeth is a young, straightforward witness. She is visibly traumatized by the death of her brother and the threat from Frank N. Stein.

Dr. Henry Clerval: Henry is the same age as the doctor and he attended university and medical school with Dr. Frankenstein. Henry is socially awkward and feels inferior to Dr. Frankenstein. He idolizes the Doctor.

Sargeant Payne: Sargeant Payne is an ultimate professional and is always serious. He does not have a sense of humour. He is very formal and may wish to stand during his testimony, as many RCMP officers will stand in court.

Dr. Igor: Although Dr. Igor appears and speaks like the hunchback version of Igor we know from the movies, he is actually a well-educated and intelligent medical doctor. He feels bitter and feels betrayed by the success that Dr. Frankenstein has achieved.

Bride O. Frankenstein: Bride is an actress, singer and model. She has the brain of an actress and is very dramatic in everything she does. She has an artistic flair!

Frank N. Stein: Frank N. Stein is young, lonely and angry with Dr. Frankenstein. He truly believes it is Dr. Frankenstein’s fault that his life is so miserable. While he looks like the monster in the movies, he only has one bolt screwed into the side of his head.

Stage Set-up

Court clerk usually sits at desk in front of judge. Judge will be in centre of stage. Witness box will be located to one side of judge, with the counsel’s lectern located on the opposite side. Position will change depending on size of stage or the courtroom. Accused Frank N. Stein does not sit with his lawyers, but to side with sheriff.

Lights up, all characters in place as mentioned above.