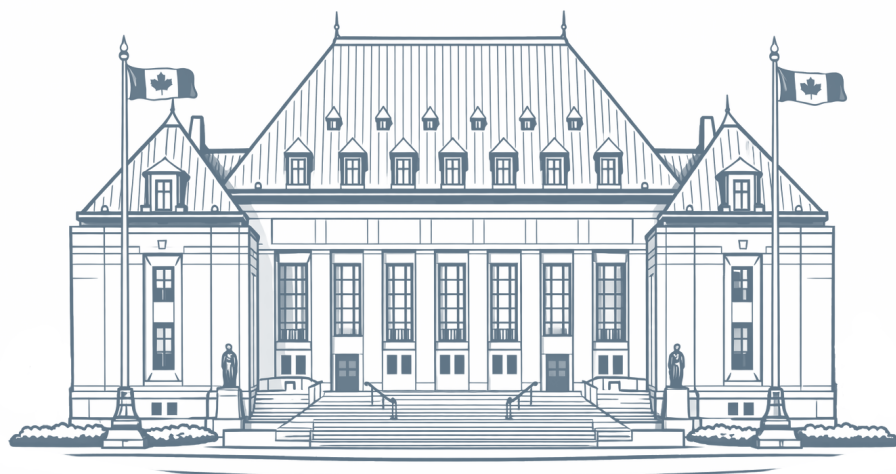




150 Years

of the Supreme Court of Canada

TEACHER'S GUIDE

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Note to teachers:

This resource is intended for use by teachers with a variety of legal backgrounds, from beginner to advanced. The student video worksheets are designed to be accessible for learners with varying levels of understanding of the Supreme Court of Canada and the legal system. This teacher package includes links to the videos, along with an overview, key themes, and suggested answers to support instruction and discussion.

Videos and activities may be used independently and do not need to be taught in order. Teachers are encouraged to adapt the materials to suit the needs of their class.

Video 1:

History and Evolution of the Supreme Court of Canada

Video: www.cpac.ca/articles/inside-scc-history-evolution Video length: 13:46

Focus:

This video examines how the Supreme Court of Canada developed over time, highlighting key historical moments that shaped its role within Canadian society. Teachers may find this video useful as an introduction to Canada's judicial system or as contextual background for later discussions about judicial independence, constitutional interpretation, and the role of courts in a democracy.

Key themes:

- Evolution of legal institutions
- Judicial independence
- Constitutional development
- Role of courts in society
- Public trust and legitimacy

ANSWERS → Student worksheet

Note: Student responses may vary. The responses below reflect key ideas from the video.

Before you watch

Statement	Correct answer
The Supreme Court of Canada has always been Canada's highest court.	False. Until 1949, appeals originally went to the Judicial Committee of the Privy Council in the United Kingdom.
At one time, Supreme Court decisions could be appealed to courts in the United Kingdom.	True.
The Supreme Court of Canada struggled at first to define its role.	True. (Early criticism focused on efficiency and authority.)
The number of judges on the Supreme Court has changed over time.	True.
Changes to Canada's legal system affect the power of the Supreme Court.	True. (This was especially true after 1949 and the adoption of the Canadian Charter of Rights and Freedoms in 1982.)
The Supreme Court plays a role in shaping Canadian society.	True.



Why might a country choose to have a single, final court of appeal?

Answers will vary. Encourage discussion about the need for consistent legal decisions across the country, a clear and final authority to resolve major legal disputes, and public confidence in the justice system. A final court of appeal for a country promotes democracy, allows a country to exercise its independence, and provides increased stability for the country.

While you watch

1. When was the Supreme Court of Canada officially created?

Answer: 1875.

2. Why was the Supreme Court not originally the highest court in Canada?

Answer: Final appeals went to the Judicial Committee of the Privy Council in the United Kingdom.

3. Identify one challenge the early Supreme Court faced in its first years.

Answer options: Limited authority, low caseload, criticism of professionalism.

4. How did some legal experts describe the quality of professionalism of the early court?

Answer options: Inefficient, lacking purpose, inconsistent quality.

5. Why did some people believe Canada did not need its own Supreme Court at first?

Answer: A lot of people did not believe Canada needed its own Supreme Court because it had the Judicial Committee of the Privy Council in the United Kingdom, and in Canada they had provincial trial and appellate courts. Canada was a new country, and it was common for major legal matters to be decided in London, U.K.

6. What change in 1949 made the Supreme Court the final court of appeal in Canada?

Answer: End of appeals to the United Kingdom.

7. According to the video, how did the adoption of the Canadian Charter of Rights and Freedoms change the role of the Court?

Answer: It gave the Court a central role in interpreting rights and freedoms.



After you watch

1. In the video, former Chief Justice Beverley McLachlin describes the early Supreme Court as “a court in search of a role.” What do you think this means?

Answers will vary, but students may explain that the Court lacked authority and purpose early on as the final court of appeal was in the United Kingdom. The Supreme Court gradually gained influence as it became the final court of appeal in 1949, and it also gained influence through constitutional change.

2. Identify one change in Canadian society mentioned or implied in the video and explain how it affected the role of the Supreme Court.

Answers will vary but responses may reference social change, rights protection, or increased public expectations of courts.

Extending the discussion (optional)

Use one or more of the following to deepen thinking by holding a discussion in pairs, small groups, or as a class.

1. Why do you think Canada continued relying on the Judicial Committee of the Privy Council in the United Kingdom for so long after Confederation?
2. How might a country’s legal institutions reflect its stage of national development?
3. Should courts evolve as society changes or should their role remain fixed? Why?
4. What risks might exist when courts gain greater influence over social issues?



Video 2:

Role of the Supreme Court of Canada

Video: www.cpac.ca/articles/inside-scc-the-role Video length: 12:51

Focus:

This video explores the roles the Supreme Court of Canada plays within Canada's legal system, including its responsibilities under the Canadian Charter of Rights and Freedoms and its position as the final decision-maker on issues of national importance. It also examines ongoing debates about the Court's influence, legitimacy, and relationship with the other branches of government. This video may be used to support discussion about courts, democracy, and public trust.

Key themes:

- Role of courts in a democracy
- Charter of Rights and Freedoms
- Judicial review
- Public trust and legitimacy
- Law, politics, and institutional boundaries

ANSWERS → Student worksheet

Note: Student responses may vary. The responses below reflect key ideas from the video.

Before you watch

1. Students are asked to select the five most important functions of the Supreme Court from a list.

There is no single correct answer. Students may prioritize protecting rights, interpreting laws, reviewing government action, ensuring fairness, or providing legal certainty. This activity is intended to bring assumptions to the surface rather than to test knowledge.

2. Students are asked to write one or two questions that they have about the function of the Supreme Court of Canada.

Answers will vary here. The goal of this question is to have students think about what they are curious about before watching the video and then to revisit their questions afterwards.

While you watch

1. The Supreme Court as a guardian of the Charter of Rights and Freedoms
 - a. According to the video, how did the Charter of Rights and Freedoms change the role of the Supreme Court?

Answer: The Charter expanded the Court's role by allowing it to interpret rights and freedoms and to review laws that may violate those rights as well as to declare laws invalid that are inconsistent with the rights and freedoms protected by the Charter.



- b. Why was interpreting the Charter challenging for the Court when it was first adopted?

Answer: The Court had to balance giving meaning to new rights without replacing the role of legislatures in making policy decisions.

2. The Supreme Court as a decision-maker of last resort

- a. What kinds of cases does the Supreme Court usually hear?

Answer: The Court hears cases of high public or national importance, often involving constitutional, criminal, or Charter issues.

- b. Why does Robert Schertzer compare the Court to a “parent”?

Answer: He suggests that the Court resolves serious disputes when other institutions or parties cannot agree.

3. The Supreme Court as a reviewer of government power

- a. What is “constitutional judicial review,” as described in the video?

Answer: A constitutional judicial review is the process by which the Court reviews provincial or federal legislation to see if it accords with the Constitution of Canada.

- b. What can the Court do if a law violates the Constitution?

Answer: The Court can declare the law unconstitutional and strike it down or render it invalid.

4. The Supreme Court as a unique institution

- a. How is the Supreme Court of Canada different from other high courts around the world?

Answer: It functions as both a constitutional court and a supreme court, hears cases in two legal systems (common law and civil law), and operates in both official languages.

After you watch

Students are asked to revisit their questions from before the video and reflect on whether their questions were answered.

Next, students are asked to consider which of the following Supreme Court of Canada roles are the most important and why.

- Protecting rights
- Reviewing government action
- Resolving major conflicts
- Providing clarity in the law

Answers will vary. Encourage students to connect their choice to examples from the video, such as Charter interpretation, judicial review, or providing clarity and consistency in the law.



Extending the discussion (optional)

Use one or more of the following questions to deepen thinking by holding a discussion in pairs, small groups, or as a class.

1. Can a court influence society without becoming a political institution? Why or why not?
2. Why might public trust be essential to the Supreme Court's authority and legitimacy?
3. Should courts consider how their decisions will be received by the public?
4. Why do some communities continue to question the legitimacy of the Supreme Court?
5. Why is transparency in judicial reasoning important in a democracy?



Video 3:

Inner Workings of the Supreme Court of Canada

Video: www.cpac.ca/articles/inside-scc-inner-workings

Video length: 14:31

Focus:

This video explores how the Supreme Court of Canada functions behind the scenes, including how judges are appointed, how cases are selected, and how decisions are reached. It highlights the collaborative nature of the Court and the careful processes used to decide cases of national importance. Teachers may find this video useful for helping students understand how judicial decisions are made and why procedure, discussion, and consensus matter in Canada's highest court.

Key themes:

- Structure of the Supreme Court
- Judicial appointments
- Decision-making and deliberation
- Consensus and dissent
- Transparency and accountability

ANSWERS → Student worksheet

Note: Student responses may vary. The responses below reflect key ideas from the video.

Before you watch: True/False

Statement	Answer
1. The Supreme Court of Canada has 13 judges, one for each province and territory in Canada.	FALSE
2. Supreme Court judges must retire at a certain age.	TRUE
3. Judges are appointed based on their political views.	FALSE
4. The Supreme Court is required to have equal representation of men and women.	FALSE
5. Every case appealed in Canada is heard by the Supreme Court.	FALSE
6. Judges are not allowed help from other legal professionals while reviewing cases. Fun fact: The only legal professional who is able to assist a Supreme Court judge while reviewing a case is their law clerk. The job of a law clerk at the Supreme Court includes researching cases brought before the court, posing questions, and providing counter arguments on each case.	FALSE
7. Supreme Court decisions must be unanimous.	FALSE
8. Judges discuss cases together before decisions are written.	TRUE
9. The Supreme Court only hears criminal cases.	FALSE
10. Supreme Court decisions are published in both official languages.	TRUE



While you watch

1. The composition of the Supreme Court

- a. How many judges sit on the Supreme Court of Canada?

Answer: Nine.

- b. According to law and tradition, where are Supreme Court judges appointed from?

Answer: The Supreme Court Act requires that three judges must be appointed from Quebec. Tradition dictates that three judges should be appointed from Ontario, one from the Atlantic provinces, and the remaining two from Western Canada and the North.

- c. What is the mandatory retirement age for Supreme Court justices?

Answer: 75.

2. Becoming a Supreme Court judge

- a. What legal experience must someone have before they can be appointed to the Supreme Court?

Answer: Candidates must have been a judge on a court of appeal or superior court or have been a lawyer of at least 10 years in Canada.

- b. According to the video, what is one quality that is important for Supreme Court judges to have?

Answer: Fairness, impartiality, integrity, or strong judgment.

3. How do cases come before the court?

- a. Does the Supreme Court hear every case that is appealed to it?

Answer: No.

- b. According to the video, what kind of cases is the Supreme Court more likely to hear?

Answer: Cases that raise issues of national importance, such as constitutional questions, Charter issues, or cases that affect many people across the country.

4. What happens after a case is heard?

- a. What do judges do after hearing a case in court?

Answer: Judges meet to discuss the case, review arguments, deliberate together, and then write their decisions.

- b. Why is discussion among judges an important part of decision-making?

Answer: Discussion allows judges to share perspectives, test ideas, challenge reasoning, and strengthen the quality of decisions.

5. Decisions and agreement

- a. Do all Supreme Court judges have to agree on a decision?

Answer: No.

- b. Why is consensus still considered valuable, even when judges disagree?

Answer: Consensus can help create guidance, it provides clarity of the law, it strengthens public confidence, and it supports stability in the law even when dissenting opinions exist.



After you watch

1. One of the legal experts from the video, Adam Dodek, states that the court's job is not to find the best political answer, but the legal answer. Why might this distinction be important for how the Supreme Court operates?

Answers will vary: Students may explain that courts must base decisions on law and the Constitution, not popularity or political pressure, in order to remain independent and credible.

2. Why might deciding cases of “national importance” place unique pressure on Supreme Court judges?

Answers will vary: Decisions can have wide-ranging consequences, affect many people, and shape Canadian law for the future.

3. What's your opinion: Should courts explain their decisions to the public? Why or why not?

Answers will vary: Students may reference transparency, public trust, accountability, or concerns about misunderstanding complex legal reasoning.



Video 4:

Judicial Independence of the Supreme Court of Canada

Video: www.cpac.ca/articles/inside-scc-judicial-independence

Video length: 14:36

Focus:

This video examines judicial independence and why it is essential to the rule of law and democratic governance. It explains how independence protects judges from outside pressure, supports public confidence in the courts, and allows decisions to be made fairly and impartially. Teachers may find this video useful for exploring how courts maintain legitimacy, and balance independence with accountability.

Key themes:

- Judicial independence
- Rule of law
- Public confidence in courts
- Democratic governance
- Legitimacy of legal institutions

ANSWERS → Student worksheet

Note: Student responses may vary. The responses below reflect key ideas from the video.

Before you watch

- Impartiality** → The idea that judges make decisions fairly, without bias, prejudice, or personal interest.
- Public confidence** → The trust that people have in courts and the justice system.
- Rule of law** → The principle that everyone, including governments, is subject to the law. In other words, no person or institution is above the law.
- Democracy** → A system of government where power comes from the people.
- Integrity** → The honesty and ethical standards expected of judges and public officials.
- Jurisprudence** → The body of law and legal decisions developed by courts over time.
- Legitimacy** → The belief that a court's authority is rightful and should be accepted, even when decisions are unpopular.
- Judicial independence** → The ability of judges to make decisions without pressure or interference from others.



While you watch

1. Judicial independence allows judges to rule on cases without fear or favour.
2. According to Socrates, four things belong to a judge:
 - a. To hear courteously
 - b. To answer wisely
 - c. To consider soberly
 - d. To decide impartially
3. What are the key differences between the three branches of power in Canada?
 - a. Legislative branch → makes laws.
 - b. Executive branch → administers and enforces laws.
 - c. Judicial branch → interprets and applies the law.
4. Judges must be independent and be seen to be independent in order to maintain public confidence in the courts.
5. According to the video, how can public criticism from politicians affect judicial independence?

Answers will vary. Responses may include how public criticism can undermine confidence in the courts and weaken perceptions of independence.

6. What event tested judicial independence in Canada in 2014?

Answers will vary. Responses should be around the controversial event surrounding the appointment of Justice Marc Nadon as a judge on the Supreme Court and the public criticism of Chief Justice Beverley McLachlin by Prime Minister Stephen Harper.

After you watch

Note to teachers: On the handout, students are encouraged to read each quote and respond. Students may do this by discussing with a partner or writing notes in their notebooks. Alternatively, you can use these as an exit ticket to check for understanding.

1. Frank Iacobucci → “The judiciary doesn’t have an army or financial power. It has only its legitimacy.”
 - a. What does legitimacy mean in this context?

Answers should focus on how legitimacy refers to public acceptance of the Supreme Court’s authority and decisions.

- b. Why is independence essential to maintaining legitimacy?

Answers should involve a focus on how independence assures the public that decisions are made honestly, fairly, and without outside influence.



2. Beverley McLachlin → “There is a long tradition that judges do not answer public criticism.”

a. Why might judges avoid responding to criticism?

Answers will vary. Responses may include how judges traditionally avoid responding to preserve impartiality and public trust in the courts.

b. Why did former Chief Justice Beverley McLachlin feel it was necessary to respond to criticism by former Prime Minister Stephen Harper?

Responses will vary but could include ideas around ensuring the public had the facts so the public could decide what transpired based on those facts.

3. Annamaria Enenajor → “Judicial independence is the ability to decide what is right without fear of consequences.”

a. What kinds of consequences might judges fear without independence?

Answers will vary. Responses may include how judges might fear loss of job security, personal safety, or political retaliation.

b. Why is protection from those consequences important?

Answers will vary. Responses may include how protection allows judges to decide cases based on what is right under the law, not on personal risk.



Video 5:

Road to the Charter

Video: www.cpac.ca/articles/inside-scc-road-to-the-charter Video length: 12:30

Focus:

This video examines how the Charter of Rights and Freedoms came into existence and the political, legal, and historical challenges that shaped its adoption in 1982. It traces early attempts to protect rights in Canada, explains the process of patriation, and explores the compromises that made constitutional reform possible. Teachers may find this video useful as a foundation for later discussions about constitutional interpretation, Section 1, Section 33, and the Supreme Court's role as guardian of the Constitution.

Key themes:

- Development of rights protection in Canada
- Canadian Bill of Rights vs. Charter
- Patriation of the Constitution
- Federal-provincial conflict
- Constitutional compromise
- Section 33 (Notwithstanding Clause)
- Role of the Supreme Court as guardian of the Constitution and the Charter of Rights and Freedoms
- Rights enforcement in a democratic society

ANSWERS → Student worksheet

Note: Student responses may vary. The responses below reflect key ideas from the video.

Before you watch

Mind map: My rights

Mind map responses will vary. Students may identify: freedom of expression, equality rights, rights to free speech and religion, language rights, legal rights, democratic rights, etc.

Diving deeper

Student responses will vary, but students should recognize that:

- Rights are protected by the Constitution and the Charter of Rights and Freedoms (and enforced by the courts).
- Governments are responsible for respecting rights.



While you watch

1. What document did Canada use to protect rights before the Charter existed?

Answer: The Canadian Bill of Rights (1960).

2. Why did many people believe this document did not provide strong enough protection for rights?

Answer: It was not part of the Constitution, applied only to federal laws, and courts were reluctant to use it to strike down legislation.

3. What does it mean to “patriate” the Constitution?

Answer: To bring Canada’s Constitution fully under Canadian control so it could be amended in Canada rather than by the United Kingdom.

4. What kinds of disagreements made it difficult for the federal government and the provinces to agree on constitutional change?

Answer: Disagreements over the amending formula, distribution of powers, provincial vetoes, and concerns from Quebec about autonomy.

5. What role did the Supreme Court of Canada play when governments could not agree?

Answer: The Court was asked to determine whether the federal government had the authority to proceed with patriation without unanimous provincial consent.

6. What compromise allowed the Charter to move forward in 1982?

Answer: Agreement among most provinces (except Quebec), including the addition of Section 33 (the notwithstanding clause), which allows legislatures to override certain rights temporarily.

7. According to the video, how did the Charter change the role of the Supreme Court of Canada?

Answer: The Charter made the Supreme Court the guardian of the Constitution, giving it the authority to interpret rights and strike down laws that violate them.



After you watch

Correct order of events

1. Canadian Bill of Rights
2. Provinces and federal government disagree on reform
3. Patriation of the Constitution/Charter of Rights and Freedoms is adopted
4. Supreme Court becomes guardian of the Charter

Most important step

Answers will vary. There is no single correct answer. Strong responses may include:

- Patriation → Allowed Canada to control its own constitutional amendments.
- Adoption of the Charter → Provided constitutional protection of rights.
- Supreme Court as guardian → Ensured rights could be enforced through judicial review.

Extending the discussion (optional)

Use one or more of the following questions to deepen analysis:

1. Why might protecting rights require political compromise?
2. Can a charter of rights strengthen national unity while also creating division?
3. Why might Quebec's refusal to formally sign the 1982 Constitution still matter today?
4. How does giving courts the power to strike down laws affect democracy?
5. Is Section 33 a safeguard for democracy or a limitation on rights?



Video 6:

The Charter and its Impact on the Court

Video: www.cpac.ca/articles/inside-scc-impact-of-the-charter-on-the-court

Video length: 12:50

Focus:

This video examines how the adoption of the Charter of Rights and Freedoms in 1982 transformed the role of the Supreme Court of Canada. It explores how the Court's authority expanded beyond federalism disputes to include the interpretation and enforcement of individual rights. Teachers may use this lesson to support discussions about constitutional interpretation, judicial review, Section 33, and the balance of power in a democratic system.

Key themes:

- Charter interpretation and constitutional authority
- Section 33 (Notwithstanding Clause)
- Equality and minority rights
- Indigenous rights and Section 35
- Criminal justice and legal rights
- Judicial activism and public debate

ANSWERS → Student worksheet

Note: Student responses may vary. The responses below reflect key ideas from the video.

Before you watch

Charter right or not?

Read each term below and decide whether it is a right in our Charter of Rights and Freedoms. Circle it if you think it is part of our Charter.

Rights	Not rights
<ul style="list-style-type: none">• Freedom of expression• Right to vote• Mobility Rights• Equality before the law• Freedom of religion• Right to a fair trial	<ul style="list-style-type: none">• Free university tuition• Right to healthcare• Right to own property• Right to bear arms



Diving deeper

- If people disagree about what a right means or how far it can extend, who should decide?

Answers will vary but student responses should reflect that if people disagree about what a right means, the courts (like the Supreme Court of Canada) have the responsibility to interpret the Charter and determine whether laws comply with it.

- After the Charter became part of our Constitution in 1982, what do you think changed the most?

Answers will vary, but students should recognize that constitutional rights require interpretation and enforcement.

While you watch

1. When the Charter was first adopted in 1982, some politicians and judges were unsure about it. Why?

Answer: When it was introduced, the Charter was a broad and powerful document of rights with little guidance on interpretation. Judges were unsure how to apply it, and premiers feared it would reduce provincial authority.

2. What is Section 33 (the notwithstanding clause), and why was it included in the Charter?

Answer: Section 33 allows Parliament or provincial legislatures to override certain Charter rights for a limited period of time. It was included as a compromise to secure provincial support for patriation of the Constitution and the adoption of the Charter.

3. How did the Charter change the types of cases the Supreme Court of Canada began to hear?

Answer: The Court shifted from primarily federalism disputes to cases involving individual rights, equality claims, and challenges to legislation under the Charter.

4. How did individuals and interest groups begin using the Charter after 1982?

Answer: Individuals and advocacy groups increasingly used Charter litigation to challenge laws and advance rights-based claims, bringing more rights cases before the court.

5. Give one example from the video of how the Charter has affected rights in Canada.

Acceptable examples include:

- Strengthening women's equality rights (Section 15).
- Advancing Indigenous rights and recognition of Aboriginal rights.
- Expanding legal protections in criminal justice cases.
- Landmark rulings affecting same-sex marriage or reproductive rights.

6. Overall, how did the Charter make the Supreme Court more central in Canadian public life?

Answer: The Charter placed the Court at the centre of major social and political debates by giving it authority to strike down laws and interpret rights, increasing its visibility and influence.



After you watch

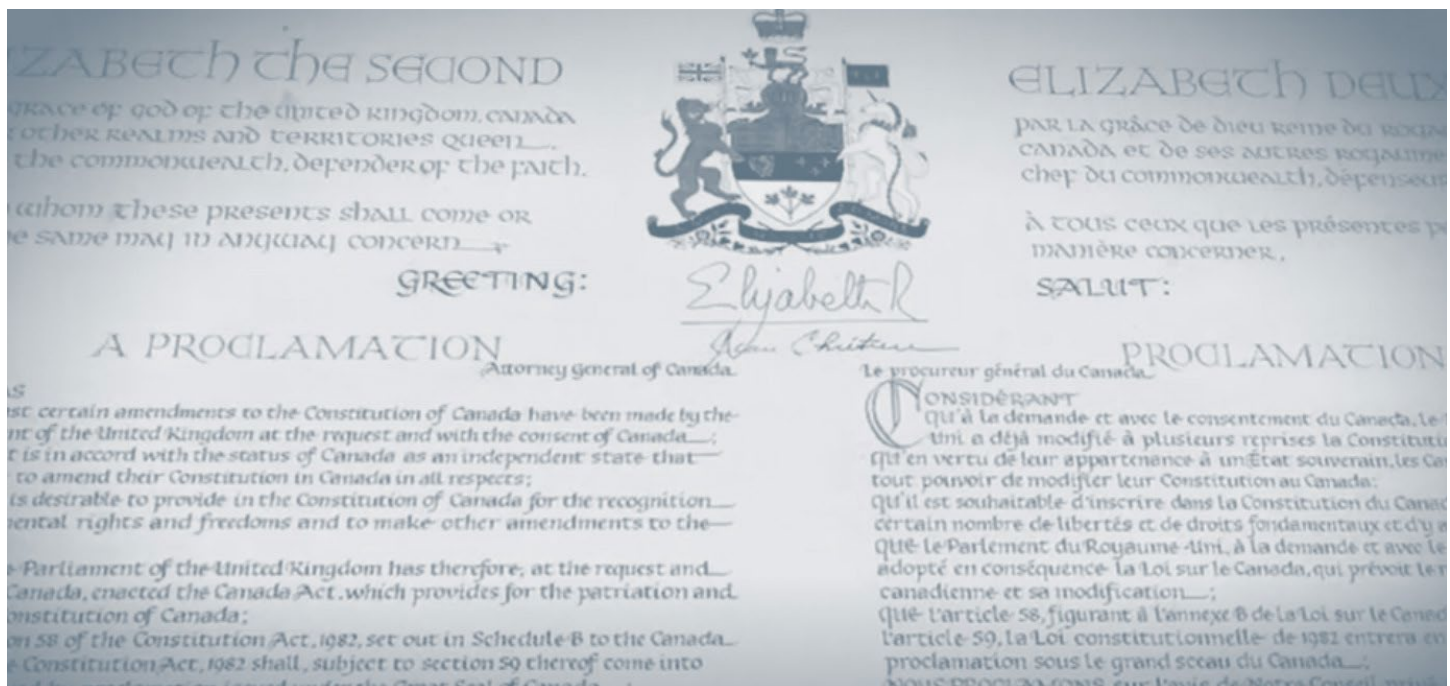
Phrase analysis

Answers will vary, but students' responses could include ideas such as:

- "Game-changer" (Jamie Cameron) → The Charter was a game-changer for the rights of criminal defendants.
- "Double-edged sword" (Robert Schertzer) → The Charter strengthened rights protections but also increased the power of unelected judges.
- "Fundamentally altered the Court's role" (Adam Dodek) → The Charter transformed the Court into a central constitutional decision-maker.

Reflection chart

Benefits of the Charter's impact	Concerns about the Charter's impact
<ul style="list-style-type: none"> • Stronger protection of individual rights • Clearer constitutional standards • Greater accountability of governments • Advancement of equality and minority rights 	<ul style="list-style-type: none"> • Increased power of unelected judges • Judicial activism debate • Reduced legislative authority • Complexity in criminal law



Video 7:

Diversity and the Court

Video: www.cpac.ca/articles/inside-scc-diversity-and-the-court Video length: 14:30

Focus:

This video examines how diversity on the Supreme Court of Canada has evolved over time and why representation, lived experience, and regional balance matter in judicial appointments. It explores historical barriers to inclusion, changes in the appointment process, and the relationship between diversity, legitimacy, and decision-making. Teachers may use this lesson to support discussions about merit, representation, judicial independence, and public confidence in legal institutions.

Key themes:

- Gender diversity on the Court
- Racial, cultural, and Indigenous representation
- Regional representation and federal balance
- Bilingualism
- Judicial appointments and advisory processes
- Diversity and lived experience
- Public confidence and legitimacy
- Limits of representation

ANSWERS → Student worksheet

Note: Student responses may vary. The responses below reflect key ideas from the video.

Before you watch

Scenario

Imagine that the Supreme Court of Canada was made up entirely of judges from the same province, the same gender, and similar cultural or professional backgrounds. Although these judges might be highly qualified, what concerns might arise about fairness, public confidence, or representation? In a country as large and diverse as Canada, should the highest court reflect the population it serves? Why or why not?

Answer: Student answers will vary but the following concerns may be identified:

- Lack of representation of Canada's regions and communities
- Reduced public confidence in the Court
- Risk of limited perspectives in decision-making
- Perception of institutional bias
- Questions about fairness and legitimacy



Appointing a Supreme Court judge

When appointing judges to the Supreme Court of Canada, several factors must be considered. Brainstorm in the space below factors you think are important. Be specific and be prepared to justify your reasoning.

Answer: Student answers will vary. Encourage students to recognize that multiple factors may be considered simultaneously and that balancing them can be complex. Responses may include: Strong legal experience, regional representation, bilingualism, gender, lived experience, diverse experience/background, cultural/racial diversity, and collegiality.

While you watch

1. How is the current Supreme Court more diverse than past versions?

Answer: The Court now includes a majority of women, the first Indigenous justice, and the first racialized justice. Historically, it was composed entirely of white men.

2. Who was the first woman appointed to the Supreme Court of Canada, and what challenges did she face?

Answer: Bertha Wilson. She faced resistance, skepticism about her qualifications, and lack of acceptance from colleagues in what had been an all-male institution.

3. How did her appointment affect women arguing cases before the Supreme Court?

Answer: It gave female lawyers greater confidence and allowed them to present arguments differently, believing their perspectives might be better understood.

4. What changes were made to the appointment process in 2016?

Answer: A new application-based process was introduced, including an Independent Advisory Board and a requirement that future appointees be functionally bilingual.

5. Why can regional representation sometimes make it difficult to reflect other forms of diversity?

Answer: The convention of appointing judges from specific regions limits flexibility in achieving diversity across other dimensions such as race, gender, or background.

6. According to the video, how might a judge's personal experiences influence their decisions?

Answer: Personal experiences may shape how judges understand the real-world implications of legal issues, inform their interpretation of rights, and influence deliberation.



After you watch

Reflection: Diversity and decision-making

1. The video suggests that diversity on the Supreme Court can influence particular factors. Which of these do you think is most important? Explain your reasoning using examples or ideas from the video.

Possible answers:

- **Public confidence** → A diverse court may better reflect Canadian society and increase trust.
- **Quality of discussion** → Different backgrounds may enrich deliberation and improve reasoning.
- **Understanding of lived experiences** → Judges with varied experiences may better understand how laws affect different communities.
- **Legitimacy of decisions** → Representation can strengthen acceptance of judicial outcomes.

2. Some legal experts in the video suggest that diversity leads to “livelier” or more thoughtful discussions among judges. How might having judges with different backgrounds improve the quality of decision-making?

Possible answers:

- **Diverse perspectives can challenge assumptions.**
- **Judges may raise issues others had not considered.**
- **Debate and deliberation may become more robust.**
- **Exposure to different experiences can broaden understanding.**



Video 8:

Landmark Decisions – Part 1 (Before the Charter)

Video: www.cpac.ca/articles/inside-scc-landmark-decisions-part-1

Video length: 10:35

Focus:

This video examines several landmark decisions of the Supreme Court of Canada before the adoption of the Charter of Rights and Freedoms in 1982. It highlights how the Court played an important role in shaping rights, limiting government power, and establishing foundational legal principles such as the rule of law. Teachers may use this lesson to explore how rights were interpreted and protected prior to the Charter and how early decisions continue to influence Canadian law today.

Key themes:

- Landmark decisions and legal precedent
- Rule of law
- Limits on government power
- Freedom of expression (pre-Charter)
- Indigenous rights and recognition of title
- Gender equality and property rights
- Federalism and constitutional conventions
- Judicial role before the Charter

ANSWERS → Student worksheet

Note: Student responses may vary. The responses below reflect key ideas from the video.

Before you watch

What makes a case “landmark”?

The video you are about to watch highlights several “landmark” decisions of the Supreme Court of Canada. In your own words, what makes a court decision “landmark”?

Answer: Students may suggest that it changes law, establishes an important legal principle, limits government power, protects rights and freedoms, and influences future cases. Encourage students to focus on impact and legal significance, rather than just the outcome.

The cases you will see highlighted in this video took place before the Charter was adopted. How could the Supreme Court of Canada protect rights without a written charter?

Answer: Students may identify ideas such as an emphasis on fairness and rule of law, application of existing statutes, and use of common law principles. Students should recognize that courts could still limit government action even without a formal bill of rights.



While you watch

Case	What was the case about? (Big ideas/themes)	Why was it important?
Alberta Press Case (1938)	Alberta attempted to restrict press criticism of the government.	The Supreme Court reinforced the importance of freedom of expression and limited government interference with the press, even without a charter.
Roncarelli v. Duplessis (1959)	A restaurant owner's liquor licence was revoked for providing bail for Jehovah's Witnesses.	It reinforced the rule of law: no one is above the law
Calder v. British Columbia (1973)	Indigenous land rights and title.	The Supreme Court recognized that Aboriginal title existed prior to European settlement, laying the groundwork for modern Indigenous rights law.
Murdoch v. Murdoch (1973)	Division of property following divorce.	The decision highlighted gender inequality in property law and led to public criticism and legal reform.
Patriation Reference (1981)	Whether the federal government could patriate the Constitution without provincial consent.	The Supreme Court distinguished between legal authority and constitutional convention, showing that some actions may be legal but not consistent with political norms.



After you watch

In the video, legal expert Ken Roach states: “The Supreme Court is the place where the most disadvantaged and the most unpopular can seek justice.”

What does this quote mean in the context of the cases discussed in the video?

Answers will vary, but students may explain that courts can protect minority rights against majority decisions, individuals can challenge government actions, and legal challenges can address unfair or discriminatory laws.

Choose one case from the chart above and explain how it supports (or challenges) this statement.

Answers will vary, but ideas can include:

- Roncarelli → protection from government abuse
- Calder → recognition of Indigenous rights
- Murdoch → exposure of gender inequality
- Alberta Press Case → protection of free expression
- Patriation Reference → limits on political power



Video 9:

Landmark Decisions – Part 2 (After the Charter)

Video: www.cpac.ca/articles/inside-scc-landmark-decisions-part-2

Video length: 14:10

Focus:

This video examines landmark Supreme Court of Canada decisions following the adoption of the Charter of Rights and Freedoms in 1982. It explores how the Charter expanded the role of the Supreme Court by allowing judges to interpret and apply constitutional rights, including determining when limits on rights are justified. Teachers may use this lesson to support discussions about Section 1 of the Charter, judicial review, and the role of courts in shaping law and society.

Key themes:

- Charter of Rights and Freedoms
- Section 1 (reasonable limits)
- Expansion of rights
- Equality rights and minority protections
- Criminal law and legal rights
- Social change and controversial issues
- Courts and democratic decision-making

ANSWERS → Student worksheet

Note: Student responses may vary. The responses below reflect key ideas from the video.

Before you watch

Limitations on rights?

The Canadian Charter of Rights and Freedoms protects many important rights, such as freedom of expression, equality, and legal rights.

Do you think these rights should be absolute (never limited), or should they have limits in certain situations? Explain your reasoning.

Answers will vary but students may suggest that:

- Some rights should be protected at all times.
- Rights may need limits in certain situations (e.g., safety, harm prevention).
- Rights can conflict with one another.
- Limits may be necessary to balance individual and collective interests.

For further discussion, ask students: What might be some reasons for limiting rights?

Possible answers include:

- Protecting public safety
- Preventing harm to others
- Maintaining order
- Balancing competing rights
- Protecting vulnerable groups



While you watch

Case	What was the case about? (Big ideas/themes)	Why was it important?
R v. Oakes (1986)	A challenge to a reverse onus provision in drug legislation that required the accused to prove they were not trafficking.	The Supreme Court established the Oakes Test, which is used to determine whether a limit on a Charter right is justified under Section 1.
Action Travail des Femmes (1987)	Discrimination against women in hiring practices.	The Supreme Court supported employment equity measures and recognized systemic discrimination.
R v. Morgentaler (1988)	Abortion laws and access to medical procedures.	The Supreme Court struck down the existing abortion law, finding it violated security of the person under Section 7.
R v. Sparrow (1990)	Indigenous fishing rights.	The Supreme Court affirmed that Aboriginal rights are constitutionally protected and must be respected.
Vriend v. Alberta (1998)	Exclusion of sexual orientation from human rights legislation.	The Supreme Court ruled that the omission violated equality rights and required the law to be changed.
Rodriguez v. British Columbia (Attorney General) (1993)	Assisted dying and the right to control one's own life.	The Supreme Court ruled that prohibiting assisted dying did not violate Charter rights.



After you watch

Throughout the video, legal experts reflect on how these decisions have shaped Canadian law and society. What do you notice about how judges, lawyers, and experts describe the impact of these cases on Canadian society?

Answers will vary but students may observe that:

- Supreme Court decisions have broad and lasting impacts on Canadian law and society.
- The Court helps interpret and apply rights in complex situations.
- Many cases involve difficult or controversial issues.
- Decisions can influence government policy and future laws.
- The Court plays a role in balancing rights and protecting minority groups.

Many of these cases involved difficult and controversial issues, such as abortion, Indigenous rights, same-sex rights, and physician-assisted dying. Why do you think these types of issues often end up before the Supreme Court of Canada?

Answers will vary but students may suggest that:

- They involve Charter rights and freedoms that require interpretation.
- There are disagreements about how rights should be applied or limited.
- The issues are complex or controversial.
- Lower courts may disagree, requiring a final decision.
- The Supreme Court provides the final interpretation of the law.
- These cases often involve balancing competing rights or interests.



Video 10:

The Future of the Supreme Court of Canada

Video: www.cpac.ca/articles/inside-scc-future-of-the-supreme-court-of-canada

Video length: 10:40

Focus:

This video explores potential future challenges facing the Supreme Court of Canada as society, technology, and legal issues continue to evolve. It highlights how the Court may be required to address emerging areas such as artificial intelligence, environmental protection, Indigenous rights, and the use of the notwithstanding clause. Teachers may use this lesson to support discussions about the role of courts in a changing society, the rule of law, and the balance between judicial and legislative power.

Key themes:

- The evolving role of the Supreme Court
- Technology and artificial intelligence
- Environmental rights and responsibilities
- Indigenous rights (Section 35)
- Notwithstanding Clause (Section 33)
- Criminal justice and legal reform
- Public confidence in the courts
- Rule of law

ANSWERS → Student worksheet

Note: Student responses may vary. The responses below reflect key ideas from the video.

Before you watch

The Supreme Court of Canada plays an important role in interpreting the law, protecting rights, and ensuring that governments act within the Constitution. As Canadian society continues to change, the Court will be asked to consider new and complex issues that may not have clear answers.

What challenges do you think the Supreme Court of Canada may face in the future? Identify three possible challenges and explain why each one may be important.

Answers will vary. Students may identify:

- New technologies such as artificial intelligence and digital privacy
- Environmental issues and climate change
- Ongoing development of Indigenous rights and reconciliation
- The use of the notwithstanding clause by governments
- Changes to the criminal justice system
- Maintaining public trust and confidence in the courts



While you watch

Answers may vary.

Issue	Why is this an important challenge for the Supreme Court?
Environmental rights	Issues such as climate change and resource use may lead to legal disputes about environmental protection, government responsibility, and individual or collective rights.
New technologies	New technologies raise questions about privacy, data use, and responsibility. Courts may need to interpret existing laws in areas that did not previously exist.
Indigenous rights (Section 35 of Constitution)	The Supreme Court continues to interpret Aboriginal and treaty rights, which may affect land, resources, and relationships between governments and Indigenous Peoples.
Notwithstanding Clause (Section 33 of the Charter)	Governments can override certain Charter rights, raising questions about the balance between judicial decisions and legislative authority.
Your choice: What other issue discussed in the video may be a future challenge for the Supreme Court?	Students may mention: <ul style="list-style-type: none"> • Criminal justice system • Public trust • Role of the courts (below the Supreme Court of Canada) • Relationship with powerful political people

After you watch

Looking at the challenges discussed in the video, what do these issues suggest about the future role of the Supreme Court of Canada?

Answers will vary. Students may suggest that:

- The Court will continue to interpret the law in new and complex situations.
- It will balance rights and government interests.
- It may address emerging issues such as technology, the environment, and Indigenous rights.
- Its role may evolve as society changes.

Which issue discussed in the video do you think will have the greatest impact on Canada in the future? Explain your answer.

Answers will vary based on students' interests.

The rule of law is an important principle in Canada's legal system. Why is it important that governments respect decisions made by the Supreme Court of Canada, even when they disagree?

Answers will vary. Students may explain that:

- It supports the rule of law.
- It maintains public trust in the courts.
- It ensures fairness and consistency.
- It prevents misuse of government power.