

Charter: A Course

A podcast about Canadian Constitutional Law & Litigation

Season 4, Episode 1: Constitutional Remedies

About the Series

Charter: A Course is a podcast created by the David Asper Centre for Constitutional Rights (the Asper Centre) and hosted by the Asper Centre's Executive Director [Cheryl Milne](#).

Charter: A Course focuses on leading Canadian constitutional cases and current constitutional law issues, highlighting strategic aspects of constitutional litigation and exploring what it's like to practice in this area of law in our *Practice Corner* segment.

Whether you are a law student, a lawyer, or just an interested person, we hope that you learn about an aspect of constitutional law and litigation that interests you in our podcast.

Show Notes

This episode focuses on section 11(e) of the Canadian Charter of Rights and Freedoms, which provides that “any person charged with an offence has the right...not to be denied reasonable bail without just cause.”

With the help of our guests [Professor Danardo Jones](#) and [Professor Jillian Rogin](#), in this episode, we discuss what bail is, exploring the idea of the ladder principle as discussed by the Supreme Court in the case of *R v Antic*, and the government's legislative response to that case. We also discuss the current political discourse surrounding bail reform, and whether the federal Liberal government's new bail reform legislation, Bill C-48, is compliant with the *Charter*. Professor Jones and Rogin of the University of Windsor Faculty of Law have both been actively involved in political and academic discourse surrounding bail in Canada, having recently appeared before the House of Commons Justice Committee to discuss the state of Canada's bail system.

In this episode's *Practice Corner*, we speak with lawyer [Teodora Pasca](#) who will take us through what it's like in Bail Court and what happens in a typical bail hearing.

Find a FULL transcript of this episode [HERE](#).

Case Links and other Resources

In this episode, the following cases, bills, and report were discussed:

[R. v. Antic, 2017 SCC 27 \(CanLII\), \[2017\] 1 SCR 509](#)

Canadian Civil Liberties Association 2014 report [“Set Up to Fail: Bail and the Revolving Door of Pre-trial Detention.”](#)

[Bill-75, An Act to amend the Criminal Code...](#)

[Bill C-48, An Act of Amend the Criminal Code \(Bail Reform\)](#)

[R. v. Morales, 1992 CanLII 53 \(SCC\), \[1992\] 3 SCR 711](#)

[R. v. Pearson, 1992 CanLII 52 \(SCC\), \[1992\] 3 SCR 665](#)

About the Asper Centre

The [Asper Centre](#), a part of the [University of Toronto's Faculty of Law](#) since 2008, is devoted to realizing constitutional rights through advocacy, research and education. The Centre aims to play a vital role in articulating Canada's constitutional vision to the broader world. The cornerstone of the Centre is a legal clinic that brings together students, faculty and members of the bar to work on significant constitutional cases and advocacy initiatives. The Centre was established through a generous gift from U of T law alumnus David Asper (LLM '07).

Thank You's

Thank you to our wonderful guests on this episode, Danardo Jones, Jilian Rogin and Teodora Pasca!

Thank you to University of Toronto Faculty of Law JD student Emily Chu, who helped with the production of this episode.

Thank you to our audio editor Liam Morrison of [Bell Room Media Solutions](#).

Thank you to the creators of our theme music, Charter: A Course! Constitutional law professor Howie Kislowicz and law professor Rob Currie gave us the licence to use their constitutional law shanty in exchange for a donation to the Calgary Food Bank. The song's performers are Vanessa Carroll, Rob Currie, Howie Kislowicz, Avinash Kowshik, Anna Lund, Patricia Paradis, Elin Sigurdson, Lyle Skinner, and Dave Wright. You can listen to the entire shanty here: [Charter a Course](#). Please consider contributing to your local food bank.

Thank you to our dedicated listeners!