Charter: A Course

A podcast about Canadian Constitutional Law & Litigation

Episode 3: Jury Fairness and the Charter

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 Canadian constitutional law and litigation. In each episode, we highlight the accomplishments of U of T Law's faculty and alumni involved in leading constitutional cases and issues. Each episode also includes a "Practice Corner", where we talk about the ins and outs of what it means to be a constitutional litigator.

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

Section 11 of the Canadian Charter of Rights and Freedoms provides a list of rights for persons charged with a crime. These include, but are not limited to, the right to be tried within a reasonable period of time, under section 11(b), the right to be presumed innocent until proven guilty under section 11d, and the right to the benefit of a trial by jury, where the maximum penalty for the offense is imprisonment for five years, or even more severe punishment, under section 11(f).

In this episode we speak with Kent Roach, Professor of Law at the University of Toronto and lawyer Christa Big Canoe, Legal Director of Aboriginal Legal Services in Toronto, about jury fairness in Canada, the impact of the Supreme Court's recent decision in R v Chouhan and the way in which the court's current understanding of jury selection informs the right to a jury that is representative of the community. The conversation also turns to equality rights, jury representation, and the experiences of indigenous people when it comes to juries.

Lastly, in this episode's "Practice Corner" we speak with lawyer Janani Shanmuganathan about some of the practicalities of jury selection from the perspective of a criminal defense lawyer.

Find a full transcript of this episode here.

Case and Reference Links

In this episode, the following cases/laws were discussed:

R v Chouhan, 2021 SCC 26 (Canlii)

R v Kokopenance, 2015 SCC 28 (Canlii)

R v Stanley, 2018 SKQB 27 (Canlii)

Bill C-75 – An Act to amend the Criminal Code, the Youth Justice Act and other Acts and to make consequential amendments to other Acts

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

Charter: A Course is proudly sponsored by the University of Toronto's affinity partners: **MBNA** and **TD Insurance**. We would like to thank each of our sponsors, and you can discover the benefits of affinity products here.

We would like to thank the creators of our theme music for 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 Szymon Rodomar and Flint Patterson, JD students at the U of T Faculty of Law, for their immense contributions to the production of this episode.

Thank you to our wonderful guests on this episode, Kent Roach, Christa Big Canoe and Janani Shanmuganathan.

Thank you to our audio editor Liam Morrison of Bell Room Media Solutions.

Lastly, we are very grateful to you, our listeners, for taking the time to join us on this voyage as we charter a course into podcasting!