

# THE CHARTER CHALLENGE LE DÉFI DE LA CHARTE

Ontario Justice Education Network  
Réseau ontarien d'éducation juridique

## PROJECT OVERVIEW

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The Charter Challenge was started in 2002 as a project of the Ontario Bar Association and the Education Network of Ontario. The volunteer efforts and creativity of Deidre Anne Newman and Paul Calarco, both defence counsel, John Kromkamp of the Court of Appeal, and Sheila Rhodes were essential to this initiative. OJEN is pleased to continue this valuable project, ensuring that their innovative idea continues.

As Ontario's only provincial appellate-level mock hearing for high school students, the Charter Challenge has students prepare arguments on *Charter* issues raised on appeal. While researching their arguments, students have the opportunity to connect online with other students around the province, as well as with lawyer mentors. Their factums are reviewed and finalist teams have the opportunity to argue the issue before a Court of Appeal judge, either in person or through video-conferencing.

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### OBJECTIVES

- To increase students' understanding of the Canadian *Charter of Rights and Freedoms*.
  - To provide opportunities for Ontario students to work collaboratively in resolving fundamental rights, freedoms and human rights issues.
  - To involve expert mentors from the legal community in the process of solving the problem scenario presented to students.
  - To use technology to allow students, mentors and members of the legal community to participate in a justice education activity.
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### FIRM COMPOSITION

Students will create a team or firm to represent either the Respondent or Appellant position. These firms will work together as a group to research the issues relevant to the case scenario and to present their final arguments in the case.

- Each firm will have four students.
- There is no limit to the number of firms per school.
- Each firm will assume the position of either the Appellant or the Respondent. The firm that will act for the Appellant, the one who launched the appeal, will argue that the judgment

was wrong and give reasons why. The firm that will act for the Respondent will argue that the judgment was right and give reasons why.

- Each firm member will address one of four issues, as set out by the judge in the case scenario.
  - Each firm must designate their position, Appellant or Respondent, in all communications.
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## TIMELINE

### Week 1

#### During this week, teachers will:

- Read the Project Overview and Case Scenario with students.
- Encourage students to create user accounts for the online discussion board.
- Review the discussion board guidelines and the online environment and with students.
- Review the guidelines for preparing a factum and the factum template with students.

#### During this week, students will:

- Create teams/law firms.
- Decide who will focus on each issue.
- Create personal user accounts and begin using the online discussion forum. Students should introduce themselves in the different forums to facilitate the sharing of ideas and resources.

### Week 2

#### Online Mentors

OJEN arranges for lawyer mentors to be available online during this week to answer students' questions. These volunteers will be online for this week only.

- Students can post questions to the discussion board entitled *Questions for Lawyers*. Mentors will review the questions and post responses that deal with one or more of the questions.
- Students should be encouraged to prepare their questions in advance for the mentors
- Questions need to be relevant to the case scenario.
- Students can debate the issues with other school teams of opposing counsel in other discussion threads.
- Postings can include:
  - Sharing of ideas about *Charter* issues and the case scenario
  - Discussion/debate between teams developing the same principle
  - Appropriate questions to lawyer mentors

#### During this week, teachers will:

- Arrange sufficient Internet time for students.
- Encourage students to modify arguments as required based on information gained from lawyer mentors.

**During this week, students will:**

- Use the online discussion boards to discuss and debate the issues with other students.
- Ask lawyer mentors for advice and suggestions for preparing their factums.
- Continue to prepare positions on the four issues.

**Week 3****During this week, teachers will:**

- Ensure students have shared ideas and debated the issues using the discussion boards.
- Ensure students have recorded their research and addressed the issues as they relate to the *Charter*.

**During this week, students will:**

- Read the positions of other groups and debate points in their arguments using the discussion boards.
- Develop arguments for each issue and prepare their final factums using the template provided.
- Send completed factums to [charterchallenge@ojen.ca](mailto:charterchallenge@ojen.ca) as an attachment (Word, text, PDF or WordPerfect file) by the deadline date.

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**CRITERIA FOR JUDGES**

Two firms, one representing the Appellant and one representing the Respondent, will be selected as finalists to present their case in front of the Court of Appeal for Ontario.

The judges will be looking for the following:

- Demonstrated understanding of the law including the *Charter*. Arguments must be supported by specific existing legislation.
- Quality of research and appropriate referencing
- Analytical reasoning and rigor in the presentation of arguments, including a careful analysis of all issues.
- Creativity, balance, and thoughtfulness of argument
- Use of language and writing style

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**COURT OF APPEAL FOR ONTARIO**

The finalist firms will have the opportunity to argue the case before a judge of the Court of Appeal of Ontario, by videoconference or in person. This is the culminating event for the project but should not be seen as the most significant part of the process. The project is intended to give students the opportunity to learn about the *Charter of Rights and Freedoms* and to share their ideas with their peers across the province.

**Event Guidelines**

- Each finalist firm will present their arguments to the expert panel of judges, which should take approximately twelve minutes in total.

- One member of the firm can present an opening statement (two minutes).
- Each firm member can present a section of the argument outlining their position related to the four issues in the case (two minutes per person).
- One member of the firm can present a closing argument (two minutes).
- The judging panel will comment and question each firm independently for not more than ten minutes.
- The judging panel will make a final decision in the case based on the oral presentations and final arguments.
- The presentation must involve more than a reading of the prepared factum.

### Videoconference

- If a school is unable to attend in person, a videoconference will take place in local courthouse.
- An expert panel of judges will be available at one central location to hear the arguments for each position.

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## GUIDELINES FOR TEACHERS

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### INITIAL STEPS TO FOLLOW

- Register for the Charter Challenge.
  - Submit students' names for discussion board use.
  - Distribute the Project Overview and Case Scenario to students.
  - Organize students into firms, ensuring that each firm member is responsible for one issue.
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### REVIEW THE PROJECT OVERVIEW

- Ensure that all members of each firm understand the rules of the project.
  - Encourage students to create a schedule to ensure that they will meet the timeline.
  - Suggest that students allocate tasks amongst firm members to ensure all areas are covered.
  - Review the factum template and evaluation criteria at the start of the project so that students are aware of what is expected of them.
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### REVIEW THE CASE SCENARIO

- Have students make notes on the issues involved in the case and determine what other considerations need to be taken into account.
  - Review the four main issues noted by the judge as well as the ruling of the judge and have student groups examine each point in the scenario carefully.
  - Review and debate the issues related to the *Charter of Rights and Freedoms*.
  - Have students re-enact the scenario with students assuming various roles.
  - Have students revisit the original case scenario throughout the project to make sure they are addressing the main issues.
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### EXAMINE ADDITIONAL RESOURCES

- Ensure students are familiar with the factum template and the guidelines on how to prepare a factum.
- Review the discussion board guidelines with students to ensure appropriate use of the online discussion boards.
- Remind students to keep an accurate record of the resources used in the preparation of their arguments for appropriate referencing.

## EXPERT MENTORS

The case scenario allows for many opportunities to work with members of the justice system. OJEN arranges for lawyers to be online during the second week to answer students' questions and offer advice about preparing a factum. Teachers can also consider inviting other relevant professionals into the class to offer ideas and debate the issues with students.

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## PREPARE ARGUMENTS

- Each firm member will create a submission for the issue assigned to them.
- Students should gather resources, share ideas, debate the issues, and record their research as they prepare submissions on each issue.
- Encourage students to read the submissions of other groups and debate points in their arguments using the online discussion boards.

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## FINAL SUBMISSIONS

- Each firm is required to incorporate their arguments, including positions for each of the four issues, into a team factum using the template provided
- The completed factums must be submitted as an attachment (Word, text, PDF or WordPerfect file) to [charterchallenge@ojen.ca](mailto:charterchallenge@ojen.ca) by the deadline date.
- Factums will be evaluated by a team of lawyers.
- Two finalist firms, one representing the Appellant and one representing the Respondent, will be selected to present their position to a judge of the Court of Appeal for Ontario

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## EVALUATION

- Consider group and individual assessment and evaluation strategies that can be used throughout the project.
- Review with students the following criteria which will be used by the judges in making their final decision:
  - Demonstrated understanding of the law including the *Charter*. Arguments must be supported by specific existing legislation.
  - Quality of research and appropriate referencing
  - Analytical reasoning and rigor in the presentation of arguments, including a careful analysis of all issues.
  - Creativity, balance and thoughtfulness of argument
  - Practicality and common sense
  - Writing style

## PROJECT MODEL

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Using the following framework, this activity has been created to enhance problem solving, critical thinking, and logical reasoning skills in students.

### **PROBLEM STATEMENT**

A problem-solving situation or statement is posed to students which requires research. The problem statement:

- states any restrictions and/or requirements of the situation
- gives a frame of reference for the problem
- is open-ended to allow for multiple solutions
- includes real-world situations

### **TEAM WORK AND COLLABORATION**

- Team roles are assigned according to the scenario

### **ANALYSIS AND CRITICAL THINKING**

- Different aspects of the problem are considered
- A variety of ideas and possible solutions are developed

### **CONTENT ACQUISITION**

- Curriculum connections are made
- Ideas are gathered and research is conducted

### **HANDS-ON ACTIVITIES**

- One or more ideas are expanded
- The original problem is continually re-examined

### **EVALUATION**

- Test or evaluate to see if the problem is solved
- Ongoing evaluation occurs and changes are made as needed
- A variety of evaluation strategies are used
- Self-evaluation and formal evaluation processes can be used

### **EXHIBITION OF WORK**

- Provide opportunities for work to be displayed in a variety of methods
- This can go along with the evaluation process
- This is a chance to celebrate success, highlight the value of work and can involve a variety of communication skills