CHAPTER 18: The Judicial System: Law and the Courts

**MULTIPLE CHOICE**

1. In this case, the court ruled that a woman was a “qualified person” who could be appointed to the Senate in 1929.
2. *Wilson v. the Queen*
3. The Persons case
4. The Qualification case
5. The Gender Equality case

*Answer:* b *Difficulty:* easy *Page:* 509

1. Which of the following is considered to fall under the category of public law?
2. Constitutional law
3. Violations of business or marriage contracts
4. Domestic disputes and family law
5. Consumer rights laws

*Answer:* a *Difficulty:* moderate *Page:* 511

1. The rule of law is the principle that individuals should be subject only to known, predictable, and \_\_\_\_\_\_\_\_\_ rules.
2. perfect
3. impartial
4. moral
5. responsible

*Answer:* b *Difficulty:* easy *Page:* 510

1. \_\_\_\_\_\_\_\_\_ law deals with behaviour that is an offence against the public of sufficient importance that the state is responsible for prosecuting the alleged offender.
2. Criminal
3. Private
4. Codified
5. Contract

*Answer:* a *Difficulty:* moderate *Page:* 511

1. The sources of law are found in three main areas: statutory law, common law, and \_\_\_\_\_\_\_\_\_ law.
2. traditional
3. codified civil
4. private
5. contractual

*Answer:* b *Difficulty:* moderate *Page:* 512

1. Common law involves law that is \_\_\_\_\_\_\_\_\_.
2. based on natural principles
3. passed by Parliament
4. based on court decisions
5. a constitutional hybrid

*Answer:* c *Difficulty:* easy *Page:* 512

1. In the text, four main types of public law are described: criminal law, constitutional law, tax law, and \_\_\_\_\_\_\_\_\_ law.
2. judicial
3. human rights
4. administrative
5. private

*Answer:* c *Difficulty:* moderate *Page:* 511

1. A \_\_\_\_\_\_\_\_\_ case involves an opinion of the courts on a question asked by the federal or provincial government.
2. reasoned
3. review
4. reform
5. reference

*Answer:* d *Difficulty:* easy *Page:* 516

1. In a criminal case, a guilty verdict has to be proved \_\_\_\_\_\_\_\_\_.
2. within a range of punishments
3. beyond circumstantial evidence
4. on a balance of probabilities
5. beyond a reasonable doubt

*Answer:* d *Difficulty:* moderate *Page:* 518

1. Which among the following requires the lowest level of proof in a dispute or case?
2. A family law case
3. A private law case
4. A criminal law case
5. A real estate case

*Answer:* b *Difficulty:* challenging *Page:* 518

1. What is one rule described in the text that ensures judges and judicial appointments are free from political interference (i.e., that judicial independence is maintained)?
2. Federally appointed judges cannot be removed until age 75.
3. Juries are expected to make decisions only on evidence presented at trial.
4. The prosecution and defence are in an adversarial relationship.
5. The Federal Court of Canada must ultimately hear all cases.

*Answer:* a *Difficulty:* challenging *Page:* 518

1. In Canada, appointments to the Supreme Court of Canada are officially and ultimately made by \_\_\_\_\_\_\_\_\_\_\_\_
2. the provincial premiers
3. the prime minister
4. Senate committees
5. the Law Society of Canada

*Answer:* b *Difficulty:* challenging *Page:* 519

1. Supporters of the Canadian system of choosing Supreme Court judges argue that it \_\_\_\_\_\_\_\_\_ when compared to the U.S. system.
2. prevents politicization of the process
3. is less secretive and more open
4. reduces conflict between the federal and provincial governments
5. allows for greater public scrutiny of judges

*Answer:* a *Difficulty:* moderate *Page:* 522

1. Three models of judicial decision-making described in the text are the attitudinal, strategic, and \_\_\_\_\_\_\_\_\_ models.
2. democratic
3. bargaining
4. legal
5. statutory

*Answer:* c *Difficulty:* moderate *Page:* 523

1. The lengthy nature of many trials has been found to violate the Charter protection of the right to \_\_\_\_\_\_\_\_\_.
2. freedom from suspicion
3. security of the person
4. legal representation
5. be tried in a reasonable time

*Answer:* d *Difficulty:* easy *Page:* 525

1. In this case, an accused was found to be wrongfully convicted, and a commission of inquiry found evidence of police and prosecutorial misconduct.
2. Beverly McLachlin
3. Guy Paul Morin
4. Tom Berger
5. Mr. Robbins

*Answer:* b *Difficulty:* easy *Page:* 527

1. In contrast to the adversarial Canadian legal system, Aboriginal traditions focus on \_\_\_\_\_\_\_\_\_.
2. restorative justice
3. wrongful imprisonment
4. cost-effectiveness
5. judicial independence

*Answer:* a *Difficulty:* easy *Page:* 527

1. In Canada, alternative dispute resolution involves\_\_\_\_\_\_\_\_\_.
2. only family or domestic matters
3. a violation of the rule of law principle
4. sentencing based on community service
5. choosing a third party to make a decision

*Answer:* d *Difficulty:* easy *Page:* 528

1. For what action did the Canadian Judicial Council rule Judge Tom Berger “indiscreet”?
2. Judicial rulings
3. Political activities
4. Patronage appointments
5. Privacy violations

*Answer:* b *Difficulty:* moderate *Page:* 518

1. What kinds of cases are generally covered by legal aid?
2. Reference cases
3. Libel cases
4. Criminal cases
5. Jury cases

*Answer:* c *Difficulty:* moderate *Pages:* 525-526

1. In the legal model of judicial decision-making, one of the things that judges are presumed to use to make decisions is(are) \_\_\_\_\_\_\_\_\_.
2. personal biases
3. public attitudes
4. precedents
5. voting

*Answer:* c *Difficulty:* moderate *Page:* 523

1. The Supreme Court of Canada was created by an act of Parliament in \_\_\_\_\_\_\_\_\_.
2. 1949
3. 1875
4. 1982
5. 1867

*Answer:* b *Difficulty:* moderate *Page:* 516

1. What body of senior judges was established to review complaints about federally appointed judges?
2. Judicial Committee of the Privy Council
3. Supreme Court of Canada
4. Canadian Bar Association
5. Canadian Judicial Council

*Answer:* d *Difficulty:* easy *Page:* 518

1. Both the Meech Lake and Charlottetown accords proposed that Supreme Court judges be nominated by \_\_\_\_\_\_\_\_\_ and selected from among the nominees by the national government.
2. provincial bar associations
3. citizen assemblies
4. provincial governments
5. retired judges

*Answer:* c *Difficulty:* challenging *Page:* 523

1. Who is generally understood to have coined the legal maxim “Justice delayed is justice denied”?
2. William Gladstone
3. Beverley McLachlin
4. Emily Murphy
5. Nellie McClung

*Answer:* a *Difficulty:* moderate *Page:* 526

**TRUE/FALSE**

1. Emily Murphy was excluded from the Senate solely because of her gender.

*Answer:* True *Difficulty:* moderate *Page:* 509

1. Tax law is a form of private law.

*Answer:* False *Difficulty:* moderate *Page:* 511

1. The Canadian Parliament is responsible for criminal law.

*Answer:* True *Difficulty:* easy *Page:* 512

1. As a result of Quebec’s codified civil law system, private law is different in Quebec from the rest of Canada.

*Answer:* True *Difficulty:* easy *Page:* 513

1. Provincial courts are exclusively trial courts.

*Answer:* True *Difficulty:* moderate *Page:* 515

1. Appointments to the Supreme Court are made solely on the basis of regional representation.

*Answer:* False *Difficulty:* moderate *Page:* 523

1. The French emperor Napoleon commissioned a codified system of law in 1804 (that has become known as the Napoleonic Code) based on Roman and French sources.

*Answer:* True *Difficulty:* moderate *Page:* 513

1. The Supreme Court grants “leave” to hear appeals only in a small proportion of cases that it considers to raise issues of public importance.

*Answer:* True *Difficulty:* easy *Page:* 516

1. The refusal to report for jury duty in Canada can result in imprisonment.

*Answer:* True *Difficulty:* moderate *Page:* 517

1. No superior court or Supreme Court of Canada judge has ever been removed by a Parliamentary resolution.

*Answer:* True *Difficulty:* challenging *Page:* 519

**SHORT ANSWER**

1. What is the role of the eight-member Judicial Advisory Committee for each region?

*Answer:* A Judicial Advisory Committee assesses candidates for appointment as superior court judge, rating them as “recommended” or “unable to recommend.”

*Difficulty:* easy *Page:* 520

1. Describe the attitudinal model of judicial decision-making.

*Answer:* In the attitudinal model of judicial decision-making, judges pursue their own policy preferences in interpreting the law, as well as being influenced by their attitudes toward the facts of the case.

*Difficulty:* moderate *Page:* 523

1. In Aboriginal systems of justice, who may be included in a sentencing circle?

*Answer:* A sentencing circle may include the guilty individual, the victim, their families, elders, and other interested members of the community, along with the prosecutor, the defence lawyer, and police officers.

*Difficulty:* moderate *Page:* 527

1. What types of cases are heard by the Federal Court of Canada?

*Answer:* The Federal Court of Canada hears cases related to certain acts of Parliament, including, for example, copyrights and patents, citizenship and immigration, and access to information and privacy. It also hears appeals against the rulings of national administrative bodies.

*Difficulty:* challenging *Page:* 516