

# *Canadian Courts vs. American Courts: What's the difference?*

Designed for: Grade 6 Social Studies  
classes

## Activity Overview

### Time required

45-60 minutes

### Materials/Resources Needed

Access to computer lab, handout of questions  
(included)

### Lesson Format

Brainstorming, Online Virtual Tour and  
exploration questions, optional activity sheet.

## For the Teacher

What does a Canadian courtroom look like?  
What is the Canadian judicial process? Truth be told, many Canadians would struggle to accurately answer these questions. With popular television shows such as *CSI*, and *Law and Order*, legal drama movies and novels, most people's conception of what a courtroom looks like is based on an American model – and a highly fictionalized and exaggerated model at that!

This lesson has been designed to help dispel some of the myths and misconceptions students may have about the Canadian judicial process and Canadian courtrooms. The lesson should take about one hour, and will allow students to acknowledge their pre-existing notions, explore a virtual Canadian courtroom, and compare reality with their initial ideas.



## Curricular Connection

This activity was designed to accompany the Grade 6 Social Studies curriculum. This lesson should facilitate discussion about the Canadian judicial system, and what democratic and judicial processes look like in Canada.

## Lesson Description

### 1. Realizing Preconceptions

Ask students to close their eyes and think of what they believe a courtroom looks like. Encourage them to think of what they have seen on television, movies, or read in books. Where does the accused sit? What does the front of the courtroom look like? Who decides if the accused is guilty? Is there anyone else in the courtroom?

Have students open their eyes and jot down in point form some of the things they just envisioned in their mental courtroom. Discuss what they thought of as a class. It may be useful to write some of the things students come up with on the board for easy reference later.

### 2. Exploring a virtual courtroom

Ask students to go to the following website and explore the virtual courtroom.

[www.courtprep.ca/en/swf/courtroom/courtroom\\_en.swf](http://www.courtprep.ca/en/swf/courtroom/courtroom_en.swf)

Students can click on various parts of the room or people in it and gain more information about their roles and how the court room process works. There are also audio clips in some of the pop up windows for students to listen to.

Students are encouraged to explore all parts of the courtroom, but it may be helpful to provide them with a set of questions to guide their exploration. You may want to use the attached list of exploratory questions to help guide their virtual tour, or you may wish to come up with your own.

Discuss what students learned or discovered, and what surprised them about their exploration of a Canadian courtroom. Refer back to their original ideas from the beginning of the lesson and what misconceptions they had.

**Note:** The virtual courtroom is an Ontario resource. There are a few things in this virtual representation that are different than what may be seen in an Alberta courtroom. The following may be worth noting to students.

- There is no list of cases outside the door. A list may be present in the elevator so that people know which courtroom to go to, but that is usually only for trials.
- There is no calendar on the wall.
- Lawyers are no longer allowed to have open water containers on their tables due to issues with spilling.
- The prisoner's box is not necessarily surrounded by glass, it is often just surrounded by a short wall.
- The door through which the accused/prisoner enters is *not* at the back of the courtroom by the Judge's chambers.
- The accused will enter the courtroom through a door by the prisoner's box.

- Most courtrooms in Alberta have a bar separating the public space in the courtroom from the section with the judges, lawyers, and other members of the court. When a new lawyer is “called to the bar” they are being invited to go past this bar and move beyond the public space.

### 3. Activity Sheet (if time permits)

Students can work in pairs or alone to complete the attached activity sheet. Students will read each statement and decide if it describes a Canadian or an American courtroom, or both, and write down the appropriate country in the space provided.

## Additional Resources

### Courts of BC videos

Although this resource may be too advanced for Grade 6 students, it contains several detailed videos and descriptions of the courts and judicial system. It includes interviews with judges from each type of judiciary court. The information is based out of British Columbia, however most of it remains accurate for Alberta: [www.courtsofbc.ca/index.php](http://www.courtsofbc.ca/index.php).

### Supreme Court of Canada

As the highest court in Canada, the Supreme Court of Canada is slightly different than other courtrooms. Virtual tours and extensive photo galleries allow students to see these differences and learn about the specific role of the Supreme Court of Canada.

Virtual Tour: [www.scc-csc.gc.ca/vis/tour/index-eng.asp](http://www.scc-csc.gc.ca/vis/tour/index-eng.asp).

Photo Gallery: [www.scc-csc.gc.ca/vis/gal/index-eng.asp](http://www.scc-csc.gc.ca/vis/gal/index-eng.asp).

### Ontario Justice Education Network: American Visitor to a Canadian Court

While this resource may not be at an appropriate reading level for a grade 6 student it provides a very comprehensive comparison of American and Canadian courtrooms. Teachers may find that it is a valuable resource if students should have further questions about either court system:

[www.ojen.ca/eng/resources/show.cfm?id=20](http://www.ojen.ca/eng/resources/show.cfm?id=20).

**For the Student**

**What Does a Canadian Courtroom Look Like?**

What do you think a courtroom looks like? Think of television shows or movies you have seen, or even what you've read about in books. When you imagine a courtroom, what do you see? Describe what you think a courtroom looks like in the space below.

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Now it is time to see if what you think you know about a courtroom is right. To get an idea of what a real courtroom looks like you can take a virtual tour online. All you need to do is go to this website: [www.courtprep.ca/en/swf/courtroom/courtroom\\_en.swf](http://www.courtprep.ca/en/swf/courtroom/courtroom_en.swf)

Follow the instructions on the website and explore the courtroom. You will notice that when you move your mouse over certain things that they will glow yellow – that means that you can click on them and a pop-up will appear with more information. There are also audio clips you can listen to. Use that information to see if you can find the answers to the following questions:

1. What Canadian symbols do you see in the courtroom?

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2. Is there a jury in this courtroom? Who decides the verdict?

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3. Does the person who is accused of a crime testify?

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4. What is the Court Officer's Job?

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5. What is the box beside the Court Officer for? What is it called?

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6. Describe the clothing that the judge, court reporter, court clerk, and lawyers wear.

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7. Click on one person sitting in the public benches and describe why they are there.

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## You be the Judge!

Read the following statements and decide if it describes a *Canadian* courtroom, an *American* courtroom, or *both*. Check the box provided. The first one is done for you. See how many you can get right!

1. The judge keeps order in the court by using a Gavel. The court marshal also helps keep order:  
 Canadian      American      both
2. In criminal cases the accused will usually sit in the Prisoner's Box, and not with his lawyer:  
 Canadian      American      both
3. Witnesses must make an oath to tell the truth in court:  
 Canadian      American      both
4. There are no cameras in the courtroom. Artists can draw pictures of what is going on:  
 Canadian      American      both
5. A picture of the Queen is normally seen in the lobby of the courthouse:  
 Canadian      American      both
6. Lawyers often approach "the bench" (where the judge sits) to have a private conversation with the judge:  
 Canadian      American      both
7. If there is a jury trial, the judge will summarize the evidence for the jury and explain the law to them:  
 Canadian      American      both
8. If you are found guilty of a serious crime you cannot be sentenced to death – but you can be sentenced to life in prison:  
 Canadian      American      both
9. If you are a member of a jury you can never discuss the details of the case to anyone (such as your wife, sister, friends) – not even 20 years later:  
 Canadian      American      both
10. There is one set of laws that defines what is a criminal act, and it applies to everyone across the country:  
 Canadian      American      both

## Answer Key and Supplemental Information

### What Does a Canadian Courtroom Look Like?

#### Possible Responses

- *A Jury.*
- *The accused sitting beside his/her lawyer.*
- *Lawyers cross examining witnesses, yelling and screaming.*
- *Judge wears a plain black robe. Lawyers and everyone else in suits.*
- *Reporters with cameras and video cameras.*

1. What Canadian symbols do you see in the courtroom?

*Canadian Flag, Canadian (or provincial / territorial) Court of Arms*

2. Is there a jury in this courtroom? Who decides the verdict?

*There is no jury, the judge gives the verdict*

3. Does the person who is accused of a crime testify?

*No s/he does not. S/he has the right to remain silent and therefore does not have to testify.*

4. What is the Court Officer's Job?

*Keep everyone in the courtroom safe, and escort the accused to and from the courtroom (only if s/he is in custody).*

5. What is the box beside the Court Officer for? What is it called?

*This is the Prisoner's Box. If the accused is in jail/custody s/he sits in this box for the duration of the trial. If s/he is not in custody s/he may sit beside the lawyer.*

6. Describe the clothing that the judge, court reporter, court clerk, and lawyers wear.

*Judges, Court Clerks, and Court Reporters are all dressed very formally in robes, white shirts with winged collars and dress pants or skirts. In higher courts lawyers must also wear robes, but in lower courts they just wear nice suits.*

*Early on in Canada's history judges used to wear wigs, but over time this practice has stopped. Judges in Britain still wear wigs.*

7. Click on one person sitting in the public benches and describe why they are there.

*Responses will vary*

**You be the Judge!**

1. The judge keeps order in the court by using a Gavel. The court marshal also helps keep order:  
 Canadian     American     both  
*Gavels are not used in Canadian courtrooms. The judge controls the court through his/her clerk.*
2. In criminal cases the accused will usually sit in the Prisoner's Box, and not with his lawyer:  
 Canadian     American     both  
*If the accused is in custody s/he will usually sit in the Prisoner's Box and not with the lawyer. In the United States the accused sits beside the lawyer, regardless of whether s/he is in custody or not.*
3. Witnesses must make an oath to tell the truth in court:  
 Canadian     American     both  
*In both Canada and the United States witnesses and jury members must swear an oath or give an affirmation. As shown in the virtual courtroom, there are a variety of religious texts which they can choose to swear an oath with or, if they are not religious, they can simply make an affirmation before the court.*
4. There are no cameras in the courtroom. Artists can draw pictures of what is going on:  
 Canadian     American     both  
*In Canada, most courtrooms do not allow cameras or video cameras. Court artists draw pictures of what goes on in the courtroom and these are the drawings that we sometimes see on the news.*  
*In the United States cameras and video cameras are allowed in courtrooms, which is why American news channels often air pictures or video from the courtroom itself.*
5. A picture of the Queen is normally seen in the lobby of the courthouse:  
 Canadian     American     both  
*Since Canada is a constitutional monarchy Queen Elizabeth still plays a figurehead role in Canadian government, including the judicial system.*  
*In fact, in criminal cases the respondent is listed as "Her Majesty the Queen" (i.e.: Her Majesty the Queen (or just "R." v. John Smith), because the crime was allegedly committed against the state and the state is represented by the Queen.*
6. Lawyers often approach "the bench" (where the judge sits) to have a private conversation with the judge:  
 Canadian     American     both  
*In Canada, counsel usually don't approach the bench to have a private conversation with the judge, although they can do so with permission. Discussion usually takes place in front of the jury, or the jury is asked to leave the court room.*

7. If there is a jury trial, the judge will summarize the evidence for the jury and explain the law to them:

- Canadian       American       both

*In both countries it is the judge's responsibility to ensure that the members of the jury understand the law and the evidence which has been presented to them.*

8. If you are found guilty of a serious crime you cannot be sentenced to death – but you can be sentenced to life in prison:

- Canadian       American       both

*The death penalty does not exist in Canada. However, the accused can be sentenced to life in prison. The death penalty still exists in some states in the U.S.A.*

9. If you are a member of a jury you can never discuss the details of the case to anyone (such as your wife, sister, friends) – not even 20 years later:

- Canadian       American       both

*In Canada, jury members are never allowed to discuss the case with anyone outside of the jury room.*

*In the United States jurors can talk about the case after a verdict has been reached. This is why details about the jury deliberations of American cases are more commonly heard about on television or in books.*

10. There is one set of laws that defines what is a criminal act, and it applies to everyone across the country:

- Canadian       American       both

*The Criminal Code of Canada defines what a criminal act in Canada is, and it applies across the country. In the United States there are both individual state and federal criminal laws to follow.*