

Episode 1:

Why should we learn about the law? (With Justice Michelle O'Bonsawin)



Guide

Learning objectives

- To introduce students to the role and significance of the Supreme Court of Canada in the Canadian legal system
- To explore the impact of Justice Michelle O'Bonsawin's appointment on representation and diversity within the judiciary
- To encourage students to critically think about their own relationship with the law and how they can engage with and influence legal systems

Materials

- Copies of this handout for Episode 1: Why Should We Learn About the Law?
- Copies of the character profiles for the group exercise (optional)
- Device to listen to the "[Law Syrup](#)" podcast episode

Teaching and learning strategies

- **Group discussion:** Assign the episode 1 student handout and have students complete the discussion questions in pairs or small groups. Afterwards,

reconvene as a class to share insights and perspectives.

- **Collaborative exercise:** Divide students into groups to complete the character profile exercise. Each group will brainstorm the qualities and perspectives their assigned character could bring to the legal system, encouraging them to think critically about diversity and representation in law.
- **Mock debate:** Facilitate a structured debate on the topic of whether younger individuals should be appointed to the Supreme Court of Canada. If possible, give students time to prepare their arguments. Encourage respectful dialogue and consideration of opposing views.
- **Reflective questions:** Ask students to reflect individually on how their backgrounds influence their views on justice and the law. Encourage them to consider how understanding the law can empower them and their communities.

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Handout

Biography of Justice Michelle O'Bonsawin

The Honourable Michelle O'Bonsawin made history on September 1, 2022, when she became the first Indigenous person appointed to the Supreme Court of Canada. Her journey to this monumental role began in Hanmer, Ontario, a small French-speaking community near Sudbury. As a proud Abenaki member of the Odanak First Nation, Justice O'Bonsawin's heritage and experiences have shaped her path and contributions to the Canadian legal system.

From a young age, Justice O'Bonsawin aspired to be a lawyer, a dream she pursued with dedication. She earned her Bachelor of Laws from the University of Ottawa, followed by a Master of Laws from Osgoode Hall Law School, and later, a Doctorate of Law from the University of Ottawa.

Justice O'Bonsawin's career began with the Royal Canadian Mounted Police (RCMP). As a lawyer, she then served as Counsel for Canada Post, focusing on labour and employment law, human rights, and privacy law. Her role as General Counsel for the Royal Ottawa Health Care Group saw her deal with cases related to mental health law. Throughout her career, she appeared before key judicial bodies, including the Human Rights Tribunal of Ontario and the Ontario Court of Appeal.

In 2017, Justice O'Bonsawin was appointed to the Ontario Superior Court of Justice, where she served until her Supreme Court

Why should we learn about the law?

appointment in 2022. Beyond her judicial responsibilities, she is deeply committed to legal education, having taught Indigenous law at the University of Ottawa's Common Law Program. Her written works, such as *Access to Justice and Gladue Reports: We All Have a Role to Play* (2020),¹ further reflect her dedication to justice and education.

Justice O'Bonsawin's career exemplifies her commitment to justice, advocacy for Indigenous rights, and passion for educating future legal minds.

The structure of the Supreme Court of Canada and its role

The Supreme Court of Canada is the country's highest court. As the final court of appeal, it addresses legal disputes from across all provinces and territories, and its rulings are binding throughout Canada. The Court has jurisdiction over cases in all areas of law, making it a pivotal institution in shaping Canadian legal principles.

Nine justices sit on the Supreme Court bench, more than any other court in Canada. These justices may serve until they reach the age of 75.

How cases reach the Supreme Court

The process of bringing a case to the Supreme Court works like climbing a legal ladder, with the Supreme Court at the top. Cases typically begin at a provincial administrative tribunal or in lower provincial or territorial Courts. From there, they can be appealed to a provincial or territorial Superior Court.

If a litigant is dissatisfied with a Superior Court's decision, they can request an appeal at the respective Court of Appeal. After the Court of Appeal issues its judgment, the litigant may still be dissatisfied

¹ <https://www.scc-csc.ca/judges-juges/bio-eng.aspx?id=michelle-obonsawin>

Why should we learn about the law?

and can seek “leave to appeal” to the Supreme Court of Canada. This permission is not automatically granted and is generally reserved for cases of national importance or significant legal questions.

Murray Sinclair & the Truth and Reconciliation Commission

Murray Sinclair, a former member of the Canadian Senate who passed away in November 2024,² had a remarkable legal and public service career. Appointed as a judge in Manitoba in 1988, he became the first Indigenous judge in the province, serving until 2009. Beyond his judicial work, Sinclair co-chaired the Aboriginal Justice Inquiry in Manitoba and later took on a pivotal role as the Chief Commissioner of the Truth and Reconciliation Commission (TRC).³ Justice Michelle O’Bonsawin has often highlighted Sinclair’s significant influence on her legal journey.

The Truth and Reconciliation Commission was established to give survivors of the Residential Schools system a platform to share their stories. Its mission was to document these experiences and foster healing and understanding. The TRC’s work culminated in a Final Report and 94 Calls to Action aimed at advancing reconciliation between Indigenous and non-Indigenous Canadians.⁴ These Calls to Action address crucial areas like education, justice, and child welfare.

Prime Minister Justin Trudeau has publicly committed to implementing the TRC’s recommendations, emphasizing the importance of building a stronger, nation-to-nation relationship with Indigenous communities.⁵ This commitment reflects a broader effort to acknowledge past wrongs and work toward a more equitable and inclusive Canada.

² <https://www.cbc.ca/news/politics/murray-sinclair-death-1.7372862>

³ <https://www.cbc.ca/news/politics/senator-murray-sinclair-retire-senate-1.5819845>

⁴ <https://nctr.ca/records/reports/>

⁵ <https://www.rcaanc-cirnac.gc.ca/eng/1450124405592/1529106060525>

Why should we learn about the law?

Discussion questions

- What are some reasons why you think certain groups in Canada might feel skeptical about the fairness of the legal system?
- How do you believe understanding the law can empower you and benefit your community?
- What creative approaches can you think of for Canadians to deepen their knowledge of the law and the workings of the legal system?
- In your opinion, what are the potential drawbacks of having a Supreme Court that lacks diversity among its justices? How do you think this could impact justice for all Canadians?

Why should we learn about the law?

Exercises

Exercise 1: Idea exchange

1. **Think-Pair-Share:** Each student takes 5 minutes to jot down key ideas or insights they gained from the discussion questions.
2. **Group Sharing:** Form groups of 3-5. Students share their lists, and each member must add at least one new idea or perspective to their own list based on the group's discussion.
3. **Cross-Pollination:** Students then mingle with another group or pair up with someone outside their group to share their lists again. Each student adds at least one new item to their list based on this new conversation.
4. **Reflection:** Students take a few minutes to review their updated lists and reflect on what surprised them or what new perspectives they gained.

Exercise 2: Mock debate on age and diversity on the Supreme Court

Debate topic: Should the Prime Minister prioritize appointing younger justices to the Supreme Court of Canada to promote a more diverse demographic?

Instructions:

1. **Group formation:** Divide the class into two teams. One team will argue in favor of appointing younger justices, and the other team will argue against it.
2. **Preparation:** Give each team 10-15 minutes to discuss and prepare their arguments.
 - Encourage students to consider various perspectives, such as:
 - the potential benefits of having younger justices, including fresh perspectives and a better understanding of contemporary issues

Why should we learn about the law?

- the value of experience and the advantages that come with a longer career in law
- how diversity in age can contribute to a more balanced and effective Supreme Court

3. Debate structure:

- Each team will present their arguments for 5 minutes.
- After both teams have presented, allow for a 5-minute rebuttal period where teams can respond to each other's points.
- Finally, open the floor for a 5-minute class discussion, inviting students to share their thoughts on the arguments presented.

4. **Optional written reflection:** After the debate, ask students to reflect on how age diversity in the Supreme Court might impact its decisions and the legal landscape in Canada.

Exercise 3: Someone else's shoes

Instructions:

1. **Group formation:** Divide students into groups of 3-5.
2. **Character profiles:** Assign each group a character profile representing different backgrounds (the following are simply examples that you may consider using):
 - A young urban professional working in a community organization focused on social justice issues.
 - A longtime engaged rural resident who has a deep understanding of the local community and its unique legal challenges.
 - A recent immigrant who has navigated the legal system to establish residency and is passionate about advocating for others in similar situations.

Why should we learn about the law?

3. **Brainstorming session:** On a sheet of paper, have the students brainstorm how their assigned character could contribute positively to the legal profession as a lawyer or judge. Encourage them to consider:
 - the unique perspectives and experiences their character might bring to the table
 - the potential challenges and hurdles that their character might face in the legal field based on their background
 - ways in which their character's insights could advance justice in their community or the broader Canadian legal landscape
4. **Group discussion and debrief:** Give the groups 10 minutes to complete this task. After time is up, have the students reconvene as a class and share their answers, highlighting the value of diverse experiences in the legal system.

Why should we learn about the law?

Recap and reflection

To conclude the lesson, you can reflect on the following topics with your students:

1. **Your background and the law:** How do your personal experiences shape your views on justice? In what ways could your unique background inform your contributions to the legal system?
2. **Empowerment through legal knowledge:** Why is it important for everyone to understand the law? How can this knowledge empower you and your community?
3. **Influencing the future of law:** How can young people, like you, play a role in shaping the future of Canadian law?
4. **The *Canadian Charter of Rights and Freedoms*:** What significance does understanding the Charter⁶ have in your daily life?
5. **Inspiration from Justice O'Bonsawin:** How does Justice O'Bonsawin's journey motivate you to pursue your passions, even when facing challenges?
6. **Engaging with the law:** Why is it essential for all members of Canadian society to engage with and understand the law, regardless of their background?

⁶ <https://www.canada.ca/en/canadian-heritage/services/how-rights-protected/guide-canadian-charter-rights-freedoms.html>

Why should we learn about the law?

Further information and resources

If you are interested in learning more about Justice O'Bonsawin and her story, CBC interviewed her in the Summer of 2024. You can find the interview here: [Michelle O'Bonsawin on being the first Indigenous judge in the Supreme Court](#)

The Truth and Reconciliation Commission published 94 Calls to Action for Canadian society to renew its relationship with Indigenous Peoples. The 94 Calls to action can be found here: [Truth and Reconciliation Commission of Canada: Calls to Action](#)

Aside from being a lawyer or a judge, there are plenty of careers involved in the Canadian justice and legal sectors. In fact, they are integral parts of the Canadian Legal System. Such jobs require artistic backgrounds for being a court artist, linguistics backgrounds for being a court interpreter, or enforcement backgrounds as a private investigator. If you're curious, you can find pathways to careers in justice and other professions here: [In Brief: Careers in Justice](#)