

Charter: A Course

A podcast about Canadian Constitutional Law & Litigation

Season 4, Episode 3: Section 12 of 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 leading Canadian constitutional cases and current constitutional law issues, highlighting strategic aspects of constitutional litigation and exploring what it's like to practice in this area of law in our *Practice Corner* segment.

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

Our regular listeners will know that we normally include a "Practice Corner" in every episode, where Cheryl chats with a seasoned lawyer about practical aspects of litigation related to the main segment's topic. We decided to release the originally-planned practice corner (that is paired with last week's episode on Constitutional Remedies with Kent Roach) as a fully separate Practice Corner episode as it turned out to be a fantastic master class in Charter remedies in criminal law by lawyer [Megan Savard](#).

Megan is a partner at Savard Foy LLP, where she practices criminal, constitutional and regulatory law. In this episode, she covers everything about the different criminal law remedies available, including strategies in deciding what Charter remedies to pursue for clients, from exclusion of evidence obtained by Charter breach to stays of proceedings.

We recommend that you listen to Professor Kent Roach's [episode from last week](#) for a background understanding of the range of Charter provisions that govern the granting of remedies where a court makes a finding of unconstitutionality.

Find a FULL transcript of this episode [HERE](#).

Case Links and other Resources

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

[R. v. Stinchcombe, \[1991\] 3 S.C.R. 326](#)

[R. v. Jordan, 2016 SCC 27, \[2016\] 1 S.C.R. 631](#)

[R. v. Warren, 2024 ONSC 2785 \(CanLII\)](#)

Thank You's

Thank you to our wonderful guest on this episode, Megan Savard!

Thank you to University of Toronto Faculty of Law JD student Kate Shackleton, who helped with the production of this episode.

Thank you to our audio editor Liam Morrison of [Bell Room Media Solutions](#).

Thank you to the creators of our theme music, 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.