



The Small Claims Court is in Session!

Secondary 3



Information About the Workshop



What you need to know	
Duration	60 to 75 minutes
Level	Secondary 3
Required Materials	<ul style="list-style-type: none"> • Computer, screen and projector • Sheets to be printed by the teacher: <ul style="list-style-type: none"> – Preparatory questions: one copy per student – Script: one copy of the complete script for each student
Subjects	<ul style="list-style-type: none"> • History and Citizenship Education • Culture and Citizenship in Quebec • Ethics and Religious Culture
Broad areas of learning	<p>Citizenship and community life</p> <ul style="list-style-type: none"> • Promotion of the rules of social conduct and democratic institutions • Contribution to a culture of peace <p>Career planning and entrepreneurship</p> <ul style="list-style-type: none"> • Knowledge of the working world, the nature and demands of roles in society, and of trades and occupations



Running the Workshop

Before the workshop: You and your students should read the scenario. Students should also answer the preparatory questions. You should prepare the layout of the students' desks to recreate a court room.

1

Introduction and brief review of the scenario (5 minutes)

2

Setting up the mock trial (30-35 minutes)

- The volunteer explains what the small claims court is.
- The volunteer explains the law that applies in the scenario:
 - the consumer's responsibilities when making a purchase, and
 - the business' responsibilities when making a sale.
- The volunteer presents the various people involved in a trial in small claims court and their roles. (Note that the role of lawyers will be presented even though lawyers are not usually present in this court.)

3

The trial (15-20 minutes)

Using the script (which you must print for each student), students play the roles of the court clerk, the court bailiff, the judge, the plaintiff and the defendant and read their parts.

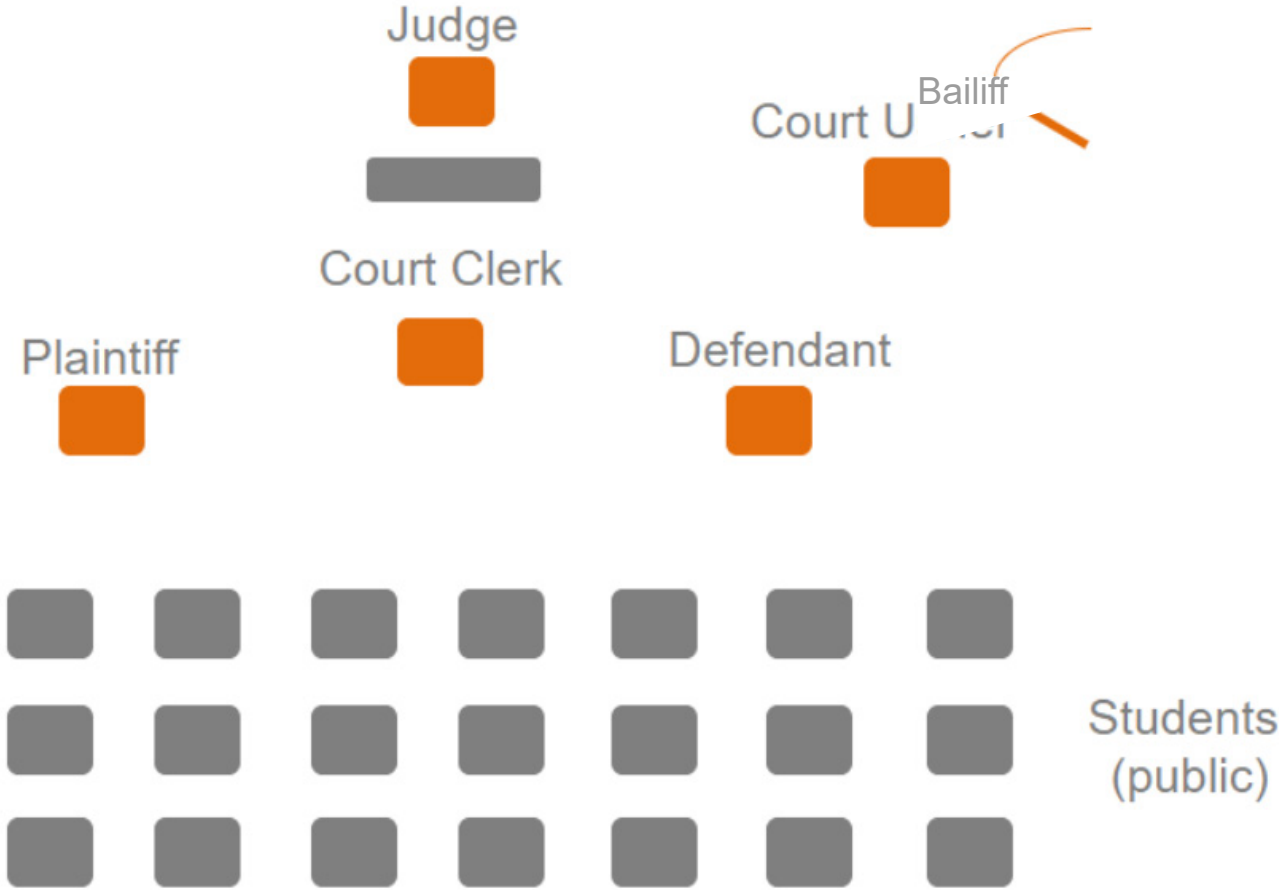
4

Conclusion (5 minutes)

Question period and comments

After the activity: You can do the optional follow-up activity found at the end of the appendices during the next class.

Class plan: Setting up the mock trial





APPENDICES

The Small Claims Court is in Session!

Scenario, preparatory questions, and follow-up activities



Scenario

Samuel and his computer

Samuel goes to the Crazy Computers store to buy a computer to use for school. The salesman tells him that he has the perfect computer for him. Samuel buys it for \$2,000.

The salesman suggests that Samuel buy a two-year extended warranty. He says the warranty is useful because it lets him bring the computer to the store whenever he has a problem, rather than having to contact the manufacturer, IHM.

Samuel refuses the warranty because it's too expensive. Anyway, he heard somewhere that it wasn't necessary because the store has to repair a defective item even without an extended warranty, and that the salesman was just trying to make more money!

Six months later, Samuel tries to install a music program on his computer but he can't get it to work. He also keeps getting an error message saying that the temperature of the processor is abnormally high. He goes back to Crazy Computers to have the computer repaired. As a courtesy, the store agrees to repair it free of charge.

Samuel has to wait two months before he gets his computer back. When he goes home and turns on the computer, he still has trouble installing programs. Samuel calls Crazy Computers and they tell him to take the computer back to the store so they can fix it.

Three months later, he finally finds the time to take the computer back to the store. He didn't have time before then because he was busy with school and exams. Samuel tried to fix the problem himself by taking the computer apart, but he couldn't figure out what was wrong.

Samuel wants to return the computer, get a refund and never set foot in that store again. Crazy Computers refuses to repair the computer, much less refund Samuel what he paid for it!

Samuel decides to file a claim in small claims court. He asks for \$4,000. \$2,000 for the refund plus \$2,000 to compensate for his trouble, waste of time and lack of a functional computer.



Preparatory questions

Identify the main players in the scenario:

- Who is the plaintiff?

- Who is the defendant?

- Who might be a witness?

- What does the plaintiff want to achieve?

What facts should the plaintiff emphasize to get what they are asking for?

1. _____
2. _____

What facts should the defendant emphasize to oppose the claim?

1. _____
2. _____



The Court Bailiff (script)

The Trial Begins (you are the first one to speak):

- **Court Bailiff:**

Silence. All rise. The Court, presided by the Honourable Justice _____, is in session.

The judge takes her or his seat.

- **Court Bailiff:**

You may be seated.

Your role for the remainder of the workshop is to make sure the trial goes smoothly. You must maintain order in the room and make sure the rules of decorum (behaviour) are followed (silence in the audience, no chewing gum, no photographs, no baseball caps, no snoozing!)

The End of the Trial

You must also watch when the judge gets up to leave the room after giving his or her judgment. At that point you must say:

- **Court Bailiff:**

The hearing is over. All rise.



The Court Clerk (script)

The Trial Begins

Court Bailiff:

Silence. All rise. The Court, presided by the Honourable Justice _____, is in session.
The judge takes her or his seat.

Court Bailiff:

You may be seated.

• **Court Clerk:**

Speaking to the plaintiff: Your name?

Plaintiff:

Samuel.

• **Court Clerk:**

Do you swear to tell the truth, the whole truth and nothing but the truth? Raise your right hand and say "I do."

Plaintiff:

Raising his right hand: I do.

• **Court Clerk:**

Speaking to the defence: Your name?

Defendant:

Albert. I'm the manager of Crazy Computers.

• **Court Clerk:**

Raise your right hand. Do you solemnly affirm to tell the truth, the whole truth and nothing but the truth? Say "I do solemnly affirm."

Defendant:

Raising his right hand: I do solemnly affirm.

Your role is then to write down important information about the course of the trial.



The Plaintiff (script)

The Trial Begins

Court Bailiff:

Silence. All rise. The Court, presided by the Honourable Justice _____, is in session.
The judge takes her or his seat.

Court Bailiff:

You may be seated.

Court Clerk:

Speaking to the plaintiff: Your name?

- **Plaintiff:**

Samuel.

Court Clerk:

Do you swear to tell the truth, the whole truth and nothing but the truth? Raise your right hand and say "I do."

- **Plaintiff:**

Raising your right hand: I do.

Court Clerk:

Speaking to the defence: Your name?

Defendant:

Albert. I'm the manager of Crazy Computers.

Court Clerk:

Raise your right hand. Do you solemnly affirm to tell the truth, the whole truth and nothing but the truth? Say "I do solemnly affirm."

Defendant:

Raising his right hand: I do solemnly affirm.



The Trial

Judge:

Plaintiff, please identify yourself and give your version of the facts.

- **Plaintiff:**

You must stand up and go to the witness stand. Summarize your story from the beginning. Stress the points that could help you win your case.

Judge:

Now for the defendant, what do you have to say?

Defendant:

Explains his version.

- **Plaintiff:**

Your role is now over. You just have to answer the judge's questions, if any. Otherwise, go back to your seat and wait for the judgment.



The Defendant (script)

The Trial Begins

Court Bailiff:

Silence. All rise. The Court, presided by the Honourable Justice _____, is in session.

The judge takes her or his seat.

Court Bailiff:

You may be seated.

Court Clerk:

Speaking to the plaintiff: Your name?

Plaintiff:

Samuel.

Court Clerk:

Do you swear to tell the truth, the whole truth and nothing but the truth? Raise your right hand and say "I do."

Plaintiff:

Raising his right hand: I do.

Court Clerk:

Speaking to the defence: Your name?

- **Defendant:**

Albert. I'm the manager of Crazy Computers.

Court Clerk:

Raise your right hand. Do you solemnly affirm to tell the truth, the whole truth and nothing but the truth? Say "I do solemnly affirm."

- **Defendant:**

Raising your right hand: I do solemnly affirm.



The Judge (script)

The Trial Begins

Court Bailiff:

Silence. All rise. The Court, presided by the Honourable Justice _____, is in session.

- **The judge takes her or his place.**

Court Bailiff:

You may be seated.

Court Clerk:

Speaking to the plaintiff: Your name?

Plaintiff:

Samuel.

Court Clerk:

Do you swear to tell the truth, the whole truth and nothing but the truth?
Raise your right hand and say "I do."

Plaintiff:

Raising his right hand: I do.

Court Clerk:

Speaking to the defence: Your name?

Defendant:

Albert. I am the manager of Crazy Computers.

Court Clerk:

Raise your right hand. Do you solemnly affirm to tell the truth, the whole truth and nothing but the truth?
Say "I do solemnly affirm."

Defendant:

Raising his right hand: I do solemnly affirm.



The Trial

- **Judge:**

Plaintiff, please identify yourself and give your version of the facts.

While the plaintiff gives his version, don't hesitate to ask questions or ask for more details.

Plaintiff:

Explains his version.

- **Judge:**

Now for the Defendant, what do you have to say?

Defendant:

Explains his version.

Again, don't hesitate to ask questions or ask for more details.

- **Judge:**

It is now time to make your decision considering the elements mentioned during the parties presentation:

Did Samuel:

- *act responsibly et reasonably?*
(For example, did he do the right thing by opening up the computer to try to repair it?)

Did Crazy Computers:

- *fill the promises it made when the computer was sold?*
- *abide by the warranty?*

*Does it make sense to cancel the sale? To take into account the computer's loss of value?
To take into account the use of the computer for a certain time? etc.*

When you've made your decision, explain it to the plaintiff and the defendant. You can then rise and leave your seat.

The Trial Ends

Court Bailiff:

The hearing is over. All rise.



Reference Sheet for the Judge

Like any other judge, the small claims court judge seeks to uncover the truth. Generally, lawyers know the rules to follow in court and are used to speaking in front of the judge. This is not the case for everyone who goes to small claims court. The judge must therefore explain how trials work and present the different steps. They can also help the parties present their evidence and ask questions directly to the parties and witnesses.

1. The plaintiff (Samuel) provides his side of the story.

If Samuel ever seems to be having difficulty explaining his version of the facts or repeats the same information, here are some questions to ask:

- What information did you look up before buying the computer?
- How much did you pay for the computer?
- What was explained to you about the legal warranty at the time of purchase?
- How long after the purchase did the computer malfunction for the first time?
- What was explained to you about the legal warranty on your second visit to the store?
- How long did it take before your computer was returned to you?
- After the initial repairs, what kind of problems did the computer have?
- Why did you decide to disassemble the computer?
- Why did you wait 3 months before returning to the store with the faulty computer?
- What did you do when you were without a computer? Did you need a computer for school?
- Why did you want a refund instead of having the computer repaired?
- How do you think the store should have acted?

2. The defendant (Crazy Computers) also provides their side of the story.

If ever the company representative seems to be having difficulty explaining their version of the facts or repeats the same information, here are a few questions to ask:

- What is the life expectancy of a new computer?
- Why did the initial repairs take two months?
- How long would the new repairs have taken if Samuel had brought his computer directly to you?
- Why were there delays in the repairs?
- Why did you only offer to fix the computer the second time around instead of offering a replacement or a refund?
- In what circumstances would you have offered to replace or refund the computer?
- What is your return policy for defective items?



The Small Claims Court
is in Session!

Test Your Knowledge!

Optional follow-up activities



Name: _____ Group: _____

Test Your Knowledge!

Answer the questions and explain your answers, where applicable.

1. What is the main purpose of the small claims court? Circle the correct answer.

- a) To punish people who have committed crimes.
- b) To resolve disputes between people in a setting where the rules are more flexible.
- c) To hear appeals regarding residential leases.

2. Is there a maximum amount of money that can be involved in cases before the small claims court? If so, what is the amount?

Answer: _____

3. Are parties to a small claims court proceeding represented by lawyers? Explain your answer.

Answer: _____

4. Is mediation a mandatory step before a small claims court trial? Explain your answer.

Answer: _____

5. True or False: When the parties choose to take part in mediation after a claim was filed in small claims court, this mediation process is free. Explain your answer.

Answer: _____

6. True or False: The judge must give their judgment in writing. Explain your answer.

Answer: _____

7. If the judge takes the case under advisement before giving their judgment, what is the maximum time limit for the decision to be given? Circle the correct answer.

- a) 2 weeks
- b) 1 month
- c) 4 months
- d) 1 year

8. True or False: It is possible to appeal a small claims court decision. Explain your answer.

Answer: _____

9. What is a “legal warranty” in Quebec?

Answer: _____



Test Your knowledge!

Answer the questions and explain your answers, where applicable.

1. What is the main purpose of the small claims court? Circle the correct answer.

- a) To punish people who have committed crimes.
- b) To resolve disputes between people in a setting where the rules are more flexible.
- c) To hear appeals regarding residential leases.

Answer: b) The small claims court gives people access to the courts in a way that is easy and inexpensive.¹

2. Is there a maximum amount of money that can be involved in cases before the small claims court? If so, what is the amount?

Answer: The amount involved in a case before the small claims court must be \$15,000 or less.²

3. Are parties to a small claims court proceeding represented by lawyers? Explain your answer.

Answer: No. Lawyers can't represent people in the small claims court. The plaintiff must represent themselves.³

4. Is mediation a mandatory step before a small claims court trial? Explain your answer.

Answer: It depends. Mediation is generally optional. At any time before the trial, one side can ask the other side to participate in a mediation session. However, mediation is mandatory in some judicial districts for a number of cases where the value in dispute is \$5,000 or less.⁴

5. True or False: When the parties choose to take part in mediation after a claim was filed in small claims court, this mediation process is free. Explain your answer.

Answer: True. Mediation is preferred over trial to settle conflicts between people. For this reason, it is offered to the parties free of charge.⁵

6. True or False: The judge must give their judgment in writing. Explain your answer.

Answer: True. The judge could decide to give the judgment verbally immediately after hearing all sides. The judge could also take the case under advisement, which means they will take some time to think before giving their judgment. In both cases, a written judgment must eventually be provided to the parties.⁶

7. If the judge takes the case under advisement before giving their judgment, what is the maximum time limit for the decision to be given? Circle the correct answer.

- a) 2 weeks
- b) 1 month
- c) 4 months
- d) 1 year

Answer: c) The decision must be given within four months of the hearing.⁷

8. True or False: It is possible to appeal a small claims court decision. Explain your answer.

Answer: False. Decisions of the small claims court are final and can't be reviewed or appealed.⁸

9. What is a "legal warranty" in Quebec?

Answer: The legal warranty is a free warranty that applies automatically whenever you buy something from a merchant in Quebec. If a product doesn't work as it should for a reasonable period of time, the merchant has to reimburse you for the item, replace it or have it repaired.⁹

1. Louise Rozon, "L'accès à la justice et la réforme de la Cour des petites créances" (1999) 40:1 C de D 243, at 249. 2. Code of Civil Procedure, CQLR c C-25.01, art 536 al 1. 3. Code of Civil Procedure, CQLR c C-25.01, art 542 al 1. 4. Code of Civil Procedure, CQLR c C-25.01, art 544 al 1 in fine, 547 al 2 (1); Règlement sur la médiation et l'arbitrage des demandes relatives à des petites créances, D. 1598-2023 (G.O. II), ss 20, 21. 5. Code of Civil Procedure, CQLR c C-25.01, art 556 al 1. 6. Code of Civil Procedure, CQLR c C-25.01, art 321 al 1, 324 al 1 (2); Hubert Reid, *Dictionnaire de droit québécois et canadien*, 5th ed., Montreal, Wilson & Lafleur, 2015, sub verso "délibéré". 7. Code of Civil Procedure, CQLR c C-25.01, art 324 al 1 (2). 8. Code of Civil Procedure, CQLR c C-25.01, art 564. 9. Consumer Protection Act, CQLR c P-40.1, ss 2, 34-38.