2018-19 MOOT COURT PROGRAM

COMMITTEE MEMBERS

Lisa Kerr (Chair), Benjamin Ewing (Co-chair), Carol Johnson (Administration), Megan Pfiffer (Law'18), Adriana Zichy (Law'18)

UPPER YEAR MOOTS

ARNUP CUP
CANADIAN CORPORATE AND SECURITIES COMPETITION
COMPETITION LAW MOOT
DONALD G.H. BOWMAN TAX MOOT
HAROLD G. FOX IP MOOT
JOHN H. JACKSON MOOT
KAWASKIMHON MOOT
LASKIN MOOT
LENCZNER SLAGHT/CBA GALE CUP MOOT
MATHEWS DINSDALE NATIONAL LABOUR ARBITRATION COMPETITION
ONTARIO TRIAL LAWYERS ASSOCIATION CUP
PHILIP C. JESSUP INTERNATIONAL LAW MOOT
WALSH FAMILY LAW MOOT
WALSH FAMILY LAW NEGOTIATIONS MOOT
WILLEM C. VIS INTERNATIONAL COMMERCIAL ARBITRATION MOOT
WILSON MOOT

OTHER MOOTS

GRAND MOOT (UPPER YEARS)
HICKS MORLEY LABOUR ARBITRATION COMPETITION (FIRST YEAR, IN-HOUSE)

LAW SCHOOL MOOTING AWARDS

FASKEN MARTINEAU DUMOULIN MOOTING AWARD
LENCZNER SLAGHT ROYCE SMITH GIFFIN LLP ADVOCACY IN MOOTS AWARD
ARNU CUP

Competition Date: 8-9 February 2019, Toronto, ON

Academic Coach: Joseph Dart, Law'05, Bergeron Clifford LLP, Kingston

Team Members: Amita Persad-Ford, David Reznikov, Paul Kenney (student coach)

Awards/Mentions:

Comments:

Congratulations to David Reznikov and Amita Persad-Ford for advancing to the 2019 Sopinka Cup in Ottawa!

Our team competed against every other Ontario law school at the Arnup cup in Toronto and placed second out of eight thereby qualifying for the national round. Appearing in front of Justice Conlan of the Superior Court, they represented the accused in a complex criminal case involving unreliable witnesses, wiretap transcripts, and potentially fabricated evidence. With the help of coach Joseph Dart of Bergeron Clifford LLP and student coach Paul Kenney, they demonstrated tremendous advocacy skill and remained in control throughout difficult witness examinations.

The team would like to offer their wholehearted thanks to all of the volunteers who acted as witnesses during their preparation: Amy Chandler, Daniel Broadus, Jenna Rumeo, Jocelyn Rempel, Laura Rowe, Taran Hoogste, Tersha De Koning, Jane Mundy, and Zoe Busuttil. We could not have done it without them!

We would also like to thank Carol Johnson and the Moot Court Committee for their enthusiastic support of the team, as well the Advocates Society, American College of Trial Lawyers, and WeirFoulds LLP for sponsoring the event.

We look forward to another successful report after the SopinkaCup next month!

Joe Dart and Paul Kenney
Coaches, Arnup Cup Team
CANADIAN CORPORATE AND SECURITIES COMPETITION

Competition Date: 8-9 March 2019, Toronto ON

Academic Coach: Vanessa Grant, Law'95, Norton Rose Fulbright LLP, Toronto

Team Members: Claire Davis, Ian Farndon, Matilda Lici, Jeremy Mutton, Jordan Brezer (student coach), Brendan Smith (researcher)

Awards/Mentions:

Comments:
COMPETITION LAW MOOT

Competition Date: 15-16 March 2019, Toronto ON

Academic Coaches: Ian Clarke, Competition Bureau, and Michael Osborne, Cassels Brock LLP

Team Members: Rono Khan, Natasha Liu, Natasha Rambaran, Egi Troka

Awards/Mentions:

Comments:
DONALD G.H. BOWMAN TAX MOOT

Competition Date: 1-2 March 2019, Toronto ON

Academic Coach: Arthur Cockfield, Queen’s Law

Team Members: Amir Farahani (A), Jennifer Mak (R), Daanish Pasricha (R), Chris Sullivan (A), Hisham Imtiaz (student coach)

Awards/Mentions: --

Comments:

This past weekend Queen’s Law students competed in Toronto at the annual Bowman Tax Moot. The case at issue was the devilishly complex case of Wild v. The Queen, a real life matter that was recently decided by the Federal Court of Appeal. Amir Farahani and Chris Sullivan acted on behalf of the appellant Crown and Jennifer Mak and Daanish Pasricha acted on behalf of the respondent Taxpayer. Returning team member Hisham Imtiaz served as the student coach. While the team performed wonderfully with respect to their oral arguments, we did not bring home a trophy this year.

A number of lawyer and judges complemented the team’s oral performance and their facta. In their written work, the team did a great job at boiling down complexities surrounding ‘PUC grinds’, ‘PUC averaging’, s. 85 roll-overs and other horrors that will remain unmentioned. During oral arguments, team members ably answered questions by the moot judges, which were made up of tax lawyers and real judges. In answering a question from Justice David Stratas, Daanish even managed to quote from memory the relevant paragraph number from a SCC decision. In short, the team did great.

We are very grateful for the help provided by Sunita Doobay of Blaney McMurtry and Peter Griffin of Lenczner Slaght. Both lawyer provided their time to evaluate the written work and oral arguments of team members. We were also grateful to members of Norton Rose for providing comments on the team’s oral performance during practice rounds in Toronto.

Best,
Art
HAROLD G. FOX IP MOOT

Competition Date: 22-23 February 2019, Toronto ON

Academic Coach: James Holton, McCarthy Tétrault

Team Members: Shalini Abeysekara, Rae Daddon, Brendan Goodman, John Luscombe

Awards/Mentions:

Comments:
JOHN H. JACKSON MOOT (FORMERLY ELSA)

Competition Date: 10-14 April 2019, Washington, D.C.

Academic Coach: Scott Falls, Law'2018, and
Mariella Montplaisir, Solvr Online Dispute Resolution Ltd

Team Members: Marie-Pierre Boudreau, Dillon Harhangi, Tristan McLeod
Daniel Broadus (student coach), Laura Rowe (practice coach)

Awards/Mentions:

Comments:
From March 1-3, 2019, Queen’s Law once again participated in the Kawaskimhon Moot at Dalhousie University in Halifax, Nova Scotia. Students Chelsea Dobrindt and Arielle Sie-Mah were tasked with representing the position of the Chiefs of Ontario in the lively three-day discussion about wholesale reform of Canada’s child and family services delivery to First Nations children in accordance with a groundbreaking series of Canadian Human Rights Tribunal and related court decisions. To add extra spice to this year’s event, it was attended by Dr. Cindy Blackstock of the First Nations Child and Caring Society, who has spearheaded the original challenge to Canada’s existing program before the CHRT, and has been the leading advocate and inspirational voice in the fight to provide equitable services to First Nations’ youth in Canada.

It was an honour and privilege for all of those in attendance to hear Dr. Blackstock speak, engage in small-group discussions with all participants, and ultimately receive the collaborative solutions that each negotiating team managed to produce. Your Queen’s Law team played an important role in potential long-term, nation-wide service reform!

Arielle and Chelsea were terrific mooters in the unique, multi-day negotiation format of the Kawaskimhon Moot. They took on a challenging task, dealing with an issue that is complex, emotional and, for many of the participants and observers, very personal, and carried out their role with professionalism and appropriate sensitivity. Chelsea and Arielle ended up acting as the key organizers for their table of negotiators, taking on the responsibilities of creating and facilitating the
group’s final report while keeping everyone on task and moving forward. Their contributions were the key to the polished proposal put forward by their table.

Chelsea and Arielle were coached by Professor Hugo Choquette, Indigenous Recruitment and Support Coordinator Ann Deer, and Queen’s alumnus John Rowinski of Fogler, Rubinoff LLP.

Congratulations to Arielle and Chelsea on a terrific job!
The Queen’s Laskin Moot team was in Winnipeg March 1-2 for the national bilingual and bijural moot competition in Constitutional and Administrative law. The team was jettisoned into troubled waters with this year’s problem, arguing the constitutionality of a scheme regulating shark finning and the sale of shark fin soup, as well as a judicial review of the scheme’s enforcement in Winnipeg.

Henry Federer, John Pappas, Siobhan Morris and Taylor Hudson, dove headfirst into the problem, working over many months with student coaches Stephanie Browning and Brendan Coffey, faculty coach Professor Metcalf and practitioner coach Pam Hrick. They placed 5th for their factums, based on the independent scores of 3 judges for the Appellant and Respondent teams combined. The team also performed well in the oral rounds when faced with the feeding frenzy of very active benches. Siobhan Morris was recognized as 5th place overall oralist.

The team would like to thank the many people who gave their time and efforts to help them prepare. In particular, we thank Professor Aiken and Professor King for their time judging practice rounds. We also extend endless thanks to Justice David Stratas for advocacy advice, and for hosting a practice oral at the Federal Court of Appeal.

Thanks are also due to the following practising lawyers who assisted with oral practice rounds: Ben Wong, Sean Pierce, Andrea Bolieiro and Estée Garfin from the Ministry of the Attorney General - Constitutional Law Branch; Rory Fowler of the Law Office of Rory G. Fowler; Shalom Cumbo-
Steinmetz, Nick Kennedy and Yael Bienenstock of Tory’s LLP; and Marc-André Cyr of Sullivan & Cromwell LLP.

Thanks also to Megan Hamilton and to students who helped the team sharpen their teeth for their orals: Laura Rowe, Alysha Flipse, Marie-Pierre Boudreau, Liz Guilbault, Russell Durward and Megan Pfiffer.

Fin-ally thanks to Carol Johnson for her able assistance to the moot program administration.
LENCZNER SLAGHT/CLA GALE CUP MOOT

Competition Date: 15-16 February 2019, Toronto ON

Academic Coach: Jennifer Ferguson (Assistant Crown Attorney, Ont. Min. of Attorney General)

Team Members: Brendan Coffey (R), Levi Karademir (A), Jocelyn Rempel (A), Evan Snyder (R)
Julia Martschenko (student coach), Michelle Soucy (researcher)

Awards/Mentions: Third Place Team

Balancing an individual’s privacy rights against the public interest in prosecuting serious gun crime was the theme of this year’s Gale Cup moot problem: an appeal from the Supreme Court of Canada’s decision in R. v. Marakah. Nour Marakah directed the purchase of several firearms through text messages, which were seized from his co-conspirator’s phone. The issue was whether Mr. Marakah had a reasonable expectation of privacy in those messages on his co-conspirator’s phone. The Supreme Court found that he did; that there was a section 8 breach; and that the evidence should be excluded under s. 24(2). The Crown appealed.

Jocelyn Rempel and Levi Karademir ably represented the Crown appellants. Evan Snyder and Brendan Coffey skillfully acted on behalf of the respondent, Mr. Marakah. Both performed with confidence and conviction in their respective positions. Over a period of months, they made themselves exceptionally familiar with s. 8 case law and were able to cite many precedents from memory that supported their respective positions on specific points.

The judges’ feedback was very positive. They were impressed with the team’s poise, pace, and responsiveness to questions. In the first round, Justice De Sa praised Brendan and Evan for “beautiful language” as they spoke of how the Charter is a living, breathing document and of the immutability of Charter rights. Queen’s oralists and coaches met coaches and appellants’ counsel from Dalhousie, as well as respondents from UBC.

The excitement was palpable when it was announced that Queen’s had secured a place in the final rounds. The team gathered for an intense meeting before being sequestered, while Brendan and Evan cut their arguments down to the allotted 15 minutes each. There was much speculation as to
what the change in fact situation would be. Finally it was announced: in addition to text messages, the conversation at issue was also posted on Instagram and shared with 400 followers.

The final arguments were made before 3 esteemed judges, including Madam Justice Sheila Martin of the Supreme Court of Canada. It was exciting to watch. Brendan and Evan coolly performed as they had before, confidently and passionately, answering questions without missing a beat.

At that evening’s dinner, Justice Martin gave a speech where she advised young advocates to think of advocacy as “being a guide dog, not a show dog”. Finally, it was announced that Queen's won third place of 18 teams.

Thank you to everyone who assisted with our team’s preparation. We greatly appreciate your enthusiastic support of the Queen’s Law Gale Cup team! We could not have done it without all of your help.

~ Coaches Jennifer Ferguson, Julia Martschenko, and Michelle Soucy
The Queen’s labour arbitration moot team competed successfully this weekend at the Mathews Dinsdale National Labour Arbitration Competition (NLAC) in Toronto. Advocates Peter Douglas and Andrew Failes were praised by arbitrators for their clarity, poise in answering questions, and compelling accounts of the nuanced and complex fact pattern they were faced with. The NLAC does not rank competitors, but informal feedback suggests that they narrowly missed a trip to the finals, and held their own in competition against the eventual winners. They received excellent research and student coaching support from Adriana Zichy and Geoff Dunlop, last year’s NLAC champions. As their coach, I consider that the team did Queen’s Law proud.

I would like to extend thanks and deep appreciation on behalf of the team to Kingston lawyers Carol MacKillop (Carol MacKillop Law Office), Vince Panetta (Hicks Morley), and Alan Whyte (Cunninghan Swan), and to Professor Don Carter, who each provided detailed and invaluable feedback during lengthy practice rounds. And of course, thanks are due once again to the lawyers at Mathews Dinsdale for hosting an excellent competition, one that has become a Canadian labour law institution.

Coach Kevin Banks
ONTARIO TRIAL LAWYERS ASSOCIATION CUP

Competition Date: 1-2 March 2019, Kingston ON

Academic Coaches: Brian Kolenda, Law’10 (Lenzner, Slaght et al) and Julia Lefebvre, Law ‘10 (Bersenas, Jacobsen et al)

Team Members: Julianne Hoekstra, Cole Pizzo, Christine Dunlop (witness)

Awards/Mentions: Cole Pizzo, Best Cross Examination; Julianne Hoekstra and Cole Pizzo secured a $12 million dollar Judgement in favour of their client (the plaintiff)

Comments:

The Ontario Trial Lawyers’ Association (“OTLA”) Cup was held in Kingston at the Frontenac County Court House on Saturday, March 2, 2019 before the Honourable Justice Abrams. Two excellent Queen’s advocates, Julianne Hoekstra and Cole Pizzo, obtained a hard fought judgment in favour of their client. Representing the Plaintiff, played by the very talented Christine Dunlop, both Cole and Julianne won over a tough jury of experienced personal injury lawyers to secure a $12 million award.

The mock trial revolved around the Plaintiff’s fall down a flight of stairs at a bar, resulting in devastating injuries.

Julianne’s examination-in-chief painted a clear picture in the jury’s mind of the loss the Plaintiff had suffered and set the stage for a successful result.

Cole’s cross-examination of the bar owner was without parallel. It was no surprise when he was awarded the Best Cross-Examination prize at the end of the trial.

We wish to thank Cole, Julianne and Christine for all of their hard work. Thank you to Carol Johnson and everyone involved in the Moot Program for helping to make 2019 another successful year for Queen’s Law at the OTLA Cup.
Brian Kolenda and Julia Lefebvre, Coaches (Queen’s Law ’10)
PHILIP C. JESSUP INTERNATIONAL LAW MOOT

Competition Date: 21-23 February 2019, Vancouver BC

Academic Coaches: Hugh Adsett (Queen’s Law)

Team Members: Jacob Blackwell, James Dilworth, Tanya Gill, Taylor (Alexandra) Scott, Adrienne Fanjoy (researcher), Shira Levin (student coach)

Awards/Mentions:

Comments:
WALSH FAMILY LAW MOOT

Competition Date: 8-9 March 2019, Toronto ON

Academic Coaches: Linda Smith (Review Counsel, Queen’s Law Aid)

Team Members: Adam Deverett, Richard Glennie, Kirsten Hentschel, Ellis Paulin, Erica Morassutti (student coach)

Awards/Mentions:

Comments:
WALSH FAMILY LAW NEGOTIATIONS MOOT

Competition Date: 8-9 March 2019, Toronto ON

Academic Coach: Courtney Cottle (Barrister & Solicitor, Kingston ON)

Team Members: Lauren Peacock, Spencer Sloan, Domenica Moran (student coach)

Awards/Mentions:

Comments:
WILLEM C. VIS INTERNATIONAL COMMERCIAL ARBITRATION MOOT

Competition Date: 12-18 April 2019, Vienna Austria (Pre-moot held in France & Hungary)

Academic Coach: Brandon Mattalo (Foundlaw Professional Corporation, Toronto)

Team Members: Dennis (Sung So) Do, See-Hung Lee, Brianna Pioili, Joshua Rim, Jeremy Mutton (practice coach), Russell Durward (student coach)

Awards/Mentions: --

Comments:
WILSON MOOT

Competition Date: 22-23 February 2019, Toronto ON

Academic Coach: Debra M Haak, PhD Candidate and Teaching Fellow (Queen’s Law)

Team Members: Team Members: Kristin AuCoin (R), Katrina Dods (A), Henry Machum (A), Rachel Oster (R), and Megan Pfiffer (student coach)

Awards/Mentions: Second Place (Facta) and Third Place (Team Overall)

Comments:

Queen’s Law participated in the Wilson Moot on February 22nd and 23rd at the Federal Court facility in Toronto. This year’s problem focused on the constitutionality of an age limitation placed on access to government funding for IVF fertility treatment.

I am thrilled to report that the powerhouse team of Kristin AuCoin, Katrina Dods, Henry Machum, Rachel Oster, and student coach Megan Pfiffer finished third overall at the competition and also received the award for second place facta.

I want to commend the hard work and effort put into the moot by this team. Their written and oral arguments were excellent and well presented. In addition, throughout the course of the moot I received consistent and near constant feedback from opposing coaches, members of the judging panels, and the moot organizers about their preparation, confidence, maturity, and courtesy. I have no doubt that their professional futures are bright. I am extremely proud of each one of them and grateful for the opportunity of sharing the journey with them.

The team is indebted to Queen’s Law students Liz Guilbault, and Siobhan Morris, alumni including Isabelle Crew, and Samantha Galway, and Professor Jacob Weinrib for helping us prepare for oral argument. Further, the team would like to thank lawyers and articling students from Dentons LLP, Goodmans LLP, Osler, Hoskin & Harcourt LLP, and Lenczner Slaght Royce Smith Griffin LLP for
hosting practice rounds prior to the moot. Finally, the team would like to thank the Queen’s Law Moot Committee, and Carol Johnson for supporting our participation in the Wilson Moot this year.

- Debra M Haak
OTHER MOOTS

GRAND MOOT (UPPER YEAR) – IN HOUSE

Preliminary Rounds: 10 March 2018

Organizers: Moot Court Committee

Preliminary Rounds Participants: Daniel Broadus, Shira Levine, Lauren Malatesta, Jeremy Mutton, Megan Pfiffer, Spencer Putnam, Michelle Soucy

Preliminary Rounds Judges: Erin Crochetiére, Law’17, Stephanie Bishop, Law’17, Alex Terrana, Law’17

Advancing to Final Rounds: Michelle Soucy and Spencer Putnam (Appellants) Megan Pfiffer and Jeremy Mutton (Respondents)

Final Rounds Date: 14 September 2018

Final Rounds Judges: Justice Côté of the Supreme Court of Canada

Winning Pair: Michelle Soucy and Spencer Putnam (Appellants)

HICKS MORLEY MOOT (LABOUR LAW)

Competition Date: TBA

Team:

Organizers:

Comments:
2019 FASKEN MARTINEAU DUMOULIN MOOTING AWARD

Established in 2005 by Fasken Martineau DuMoulin LLP to provide an award to recognize and honour a Queen’s Law student who has made an outstanding contribution to the Queen’s Law Moot Program. Nominees may have fulfilled various roles in the Moot Program including, but not limited to, competitive moot team member, coach, researcher, student organizer, student member of Moot Court Committee

Recipient Testimonial: TBD
Established in May 2015 by Lenczner Slaght Royce Smith Griffin LLP. Awarded on the basis of excellence in oral advocacy as demonstrated through outstanding achievements in competitive moots to two upper-year students in the J.D. program or a combined J.D. program in the Faculty of Law.

Recipient Testimonials: TBD