



## MOOT COURT PROGRAM

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## THE ARNUP CUP

The Arnup Cup is an annual trial advocacy competition involving two-person teams from Ontario law schools. This moot involves a judge and jury trial scenario in which each team examines and cross-examines witnesses, deals with evidentiary and procedural issues, and addresses the jury (opening and closing). The panel of jurors consists of members of the Advocates Society who act as assessors of the students. The moot problem has been a criminal one for the past several years. The competition is organized by The Advocates' Society and their sponsor WeirFoulds LLP. Top two regional teams advance to the Sopinka Cup in Ottawa.

[https://www.advocates.ca/TAS/Professional\\_Development/Moots/TAS/Professional\\_Development/Moots.aspx?hkey=176fcbc0-6402-4c6b-8eb1-54c5745172a6](https://www.advocates.ca/TAS/Professional_Development/Moots/TAS/Professional_Development/Moots.aspx?hkey=176fcbc0-6402-4c6b-8eb1-54c5745172a6)

<http://www.weirfoulds.com/WeirFoulds-Proud-Sponsor-Arnup-Cup-2018>

Participation is made possible by sponsors WeirFoulds. Organized by the Advocates' Society ■

Selection Process: Present a five minute oral argument before a panel of judges at the general tryouts.

Pre-requisite: Trial Advocacy (Law 361/362) or Personal Injury Advocacy (Law 364) prior to, or concurrently with moot preparation in either term. Note: This moot has been a criminal one for several years.

Recommended: Evidence (Law 320), Criminal Procedure (Law 404)

Credit Weight: 3 credits

Evaluation Method: Letter grade based upon research, written materials, oral performance, and participation during preparation and at the competition.

Number of Oralist positions: 2 (two)

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## COMPETITION MOOT

The Competition Bureau is partnering with the Canadian Bar Association and the Competition Tribunal to host Canada's first competition law moot on March 1-2, 2019 at the Federal Court of Canada in Toronto. This moot will provide Canadian law students with an exceptional opportunity to tackle timely, complex civil or criminal issues in a growing field of law that strives to balance private economic incentives with the public interest. Participants will have the opportunity to experience the unique aspects of regulatory/commercial litigation. Participants

will also have the opportunity to obtain feedback from and network with top law enforcers, judges and specialist practitioners in an intimate setting.

Participation is made possible with funding from the Faculty of Law■

Selection Process: Present a five minute oral argument before a panel of judges at the general tryouts.

Number of oralist positions: 4 (four)

Pre-requisites: Competition Law prior to, or enrolled by the winter term

Credit Weight: 3 credits

Evaluation Method: Letter grade based upon research, oral performance, written materials, and participation during preparation and at the competition

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## **DAVIES' CANADIAN CORPORATE AND SECURITIES LAW MOOT**

The Canadian Corporate and Securities Law Moot (the “Davies Moot”) is of particular interest to students interested in business law. It is the only moot exclusively devoted to corporate and securities law in Canada. This prestigious competition uses the court rooms of the Federal Court of Canada in Toronto and is held in late February/early March. The moot includes a Friday evening cocktail reception and a gala dinner on the Saturday at which participants are able to meet with leading corporate and securities law judges, regulators, practitioners and academics from across Canada. Teams from most Canadian law schools participate.

The moot problem is distributed in late December or early January and generally consists of a trial decision, an appellate decision, and the decision of the Supreme Court of Canada granting leave to appeal. The problem is invariably based on cutting edge legal issues expected to end up in the Supreme Court of Canada.

The moot is judged by a panel of three judges (five for the final round). The preliminary round judges are leading practitioners, regulators and academics. The final round judges generally include members of the Supreme Court of Canada and/or Ontario Court of Appeal and the Chair of Vice-Chair of the Ontario Securities Commission. Each team prepares a factum for the appellant and a factum for the respondent. The team is divided into pairs of mooters, with each pair arguing twice in the preliminary round, once for the appellant and once for the respondent. Should the team make it to the final round, two of its members will be selected to represent the team. Prizes are awarded for the top two teams, the top three factums, and the top three oralists.

<https://www.dwpv.com/en/Insights/News/Announcements/2018/Davies-2018-Law-Moot>

Participation is made possible with funding from the Faculty of Law■

Selection Process: Present a five minute oral argument before a panel of judges at the general tryouts.

Pre-requisite: Enrolled in Business Associations (Law 440) by Fall Term.

Recommended but not mandatory: Securities Regulation Law (Law 448) prior to, or concurrently with moot in the winter term.

Important Note: You cannot participate in this moot a second time unless it is as a student coach.

Credit Weight: 3 Credits

Evaluation: Letter grade based upon research, written materials, performance and participation during preparation and at the competition. Number of Oralists positions: 4 (four)

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### **DONALD G.H. BOWMAN TAX MOOT**

The Donald G.H. Bowman Tax Moot was first held in March 2011 at the Tax Court's facilities in Toronto, the moot was founded by The Honourable Donald Bowman, The Honourable Chief Justice Gerald Rip, The Honourable Justice Karen Sharlow, Professor John Weir, and Professor Emir Aly Crowne-Mohammed (University of Windsor), and Mohamed Hashim, Law '09.

The Moot will feature a "Committee of Experts/Advisors" selected from leading academics and practitioners across Canada who will assist in the drafting of the moot problem and grading of factums.

Sample timelines for 2012: Nov 14 - Moot Problem released / Jan. 30 - Appellant's electronic facta due / Feb. 13 - Respondent's electronic facta due.

<http://www.bowmantaxmoot.com/>

Participation is made possible with funding from the Faculty of Law■

Selection Process: Present a five minute oral argument before a panel of judges at the general tryouts.

Pre-requisite: Enrolled in Taxation (Law 508) prior to, or during the Fall Term

Course Evaluation: Letter grade based upon research, written materials, performance and participation during preparation and at the competition.

Credit Weight: 3 credits

Number of Oralist positions: 4 (four)

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### **GALE CUP MOOT**

A team of four students participates in the oldest national moot competition. The moot is held at Osgoode Hall in Toronto using courtrooms of the Ontario Court of Appeal. The competition is based on a criminal law problem. In the preliminary round each school will moot twice, once as Appellant and once as Respondent. The final panel of judges usually comprises Supreme Court of Canada and other appellate court judges. The level of competition is high and participants are expected to devote a significant amount of time to preparing for the moot. Participants should be highly motivated and should have a keen interest in criminal law. Students are judged on their written submissions and oral arguments, but the latter are given more weight. The winning team is presented with the Gale Trophy, donated by the former Chief Justice of Ontario. The best oralist receives the Brian Dickson Medal. The McLachlin Prize was introduced in 2011 and is awarded to the best female mooter at Gale Cup competitions.

<https://www.galecupmoot.com/en/home>

Participation is made possible through an Endowment Fund established by WeirFoulds LLP ■

Selection Process: Present a five minute oral argument before a panel of judges at the general tryouts.

Course Evaluation: Letter grade based upon research, written materials, oral performance, and participation during preparation and at the competition.

Credit Weight: 3 Credits

Pre-requisites: Preference may be given to those who have done, or are doing, Criminal Procedure and/or Sentencing and Imprisonment by the end of the Fall Term.

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## **HAROLD G. FOX INTELLECTUAL PROPERTY LAW MOOT**

The Harold G. Fox Intellectual Property Law Moot is intended to promote the furtherance of education in the intellectual property field, and to provide participants with the opportunity to interact with jurists of the Supreme, Ontario, and Federal Courts and experienced practitioners of intellectual property law. It is named in honour of the late Harold G. Fox, one of Canada's leading intellectual property scholars and advocates." The moot takes place in Toronto and is administered by a committee of judges and practitioners. The founding sponsor is DLA Piper Canada) LLP.

<http://ipmootcanada.ca/>

Key Dates: Problem released early November. Clarifications due end of November. E-Factas due mid-January. Moot takes place mid-February (usually the Friday & Saturday before Reading Week)

Participation is made possible with funding from the Faculty of Law■

Selection Process: Present a five minute oral argument before a panel of judges at the general tryouts.

Number of oralist positions: 4 (four)

Pre-requisites: Advanced Intellectual Property Law (469), or Copyright Law (468), or Patent Law (447), or Trademarks Law (451) [NOTE: 2015 official problem was trademarks, 2016 copyright, 2017 patent, 2018 trademarks, ]

Credit Weight: 3 credits

Evaluation Method: Letter grade based upon research, written materials, oral performance, and participation during preparation and at the competition.

Note: If the moot organizers announce the nature of the Fox moot problem before the tryouts, an announcement indentifying the preferred pre-requisite will be made via onQ Moot Court Program space and in the Student Services newsletter; otherwise you will be told at your tryout.

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## **JOHN H. JACKSON MOOT COURT COMPETITION (FORMERLY ELSA)**

The John H. Jackson Moot Court Competition (formerly known as ELSA) is a simulated hearing in the World Trade Organization (WTO) dispute settlement system organised annually by The European Law Students' Association (ELSA) and open to teams from all over the world. North American regional rounds take place in Washington, D.C. Competitor teams represent both the Complainant and Respondent parties to the Case by presenting oral submissions in front of a Panel. Panels consist of WTO law experts and are referred to as Panellist. The Competition provides students with the opportunity to put theory into practice, thereby complimenting their formal legal education.

<http://www.elsamootcourt.org>

Participation is made possible with funding from the Faculty of Law■

Selection Process: Present a 5 minutes oral argument before a panel of judges at the general tryouts.

Number of Oralist positions: 2 to 4 oralists = 1 Team

Credit Weight: 6 credits (full year)

Course Evaluation: Letter grade based upon research, written materials, performance and participation during preparation and at the competition.

Pre-requisite: At least one of the following prior to, or during the Fall: Spring Castle Program (either IBL or PIL) or Public International Law (Law 540) or International Trade Litigation (Law 688) or International Economic Law (Law 454)

Recommended but not required: International Trade Remedies (Law 683) prior to, or concurrently with moot.

Important Note: You cannot participate on this team a second time unless it is as a student coach.

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## **PHILIP C. JESSUP INTERNATIONAL LAW MOOT**

Queen's has been an active participant in the worldwide Jessup Moot since its inception. The moot problem is usually based on some current yet controversial topic of public international law, and the participants (a team of four students) are required to prepare written memorials and take part in oral pleadings. The final Canadian round in which nearly all law schools across

Canada compete is held on different campuses each year, while the final round has been hosted by the American Society of International Law for over two decades. Queen's hosted the competition in 1996. The Moot Problem is released in September and the competition takes place in March.

<https://www.ilsa.org/about-jessup/>

Participation is made possible through an Endowment Fund established by Osler, Hoskin & Harcourt LLP and with funding from the Faculty of Law■

Selection Process: Present a five minute oral argument before a panel of judges at the general tryouts.

Number of Oralist positions: 4 (four)

Evaluation Method: Letter grade based upon research, written materials, oral performance, and participation during preparation and at the competition.

Credit Weight: 6 credits (full year)

Pre-requisite: Public International Law (LAW-540) prior to, or during the Fall term. Please indicate on the space provided on the tryout registration form, especially if you are taking International Law in the fall term, any previous courses in international law (eg. undergraduate courses) or work experience in international law.

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## **KAWASKIMHON NATIONAL ABORIGINAL MOOT**

The Kawaskimhon National Aboriginal Moot is open to Aboriginal and non-Aboriginal students. Kawaskimhon means "speaking with knowledge." The moot problem usually arrives in late October or early November, with the moot taking place in March. The moot may or may not involve traditional appellate mooting; however, it usually involves presentation of a 20 minute argument, based on a prepared position paper, and consensus building. The moot may involve the use of a talking circle or other indigenous processes to resolve the legal issues that arise from the selected topic. The host school decides the moot format. Queen's Faculty of Law hosted the moot in 2016

<https://www.mcgill.ca/kawaskimhon/>

Participation is made possible with funding from the Faculty of Law■



Selection Process: Present a five minute oral argument before a panel of judges at the general tryouts.

Evaluation Method: Letter grade based upon research, written materials, oral performance at the competition, participation during preparations. No factum

Credit Weight: 3 credits

Number of oralist positions: 2 (two)

Prerequisite: Demonstrated competence and interest in the field of Aboriginal Law. Exposure through enrollment in Aboriginal Law would be beneficial, but is not mandatory as you will have received exposure to issues in constitutional law, criminal law, and property law classes as well.

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## **THE LASKIN MOOT**

The Laskin Moot in constitutional and administrative law is a national moot named after the former Chief Justice of Canada. It is generally contested by at least sixteen of the twenty-one law schools in the country and involves a public law problem. Each team consists of four students (two appellants and two respondents) and it is required that there be at least one mooter pleading and arguing in each official language. The appellant and respondent teams each moot twice. The top appellant and respondent pairs then moot in a final generally presided over by five judges including a Justice of the Supreme Court of Canada. Schools are assessed overall on the basis of both the written factums and the oral arguments presented by the appellants and the respondents.

The moot problem is released in early October and the factums are due in January or early February. It is expected that the teams will work together on both factums. The moot is held from Thursday to Saturday at the end of February or in early March. While students should plan for the most intense work in January and February preparation should begin as soon as possible after the receipt of the problem since there are competition deadlines that must be met during the fall term. However, none of these require the submission of written documents. The level of commitment required during the first six to eight weeks of the winter term is very high.

While the Laskin organizers maintain a nice balance between the social and the competitive, the process of evaluation plays an essential role in the moot. There is generous feedback on the oral performances. Prizes are awarded to the top four schools, to the top two pairs (appellant

or respondent), to the four best individual oralists, and for the four best factums. It is possible for a school to win the overall prize without winning any of the individual awards.

<http://laskin.ca/en/the-laskin-today/>

Participation is made possible through a Endowment Fund established by Osler, Hoskin & Harcourt LLP ■

Selection Process: Present a five minute oral argument before a panel of judges at the general tryouts.

Number of oralist positions: 4 (four)

Course Evaluation: Letter grade based upon research, written materials, performance and participation during preparation and at the competition.

Credit Weight: 3 credits

Pre-requisites: Administrative Law (Law 427 ) prior to, or concurrently with the moot in winter term. A good mark in first year Constitutional Law is important. At least one Francophone mooter is required by the rules.

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## **MATHEWS DINSDALE AND CLARKE LABOUR ARBITRATION MOOT**

IMPORTANT TO NOTE: The moot rules restrict this competition to students in second year of J.D. program, as well as students enrolled in the law school during their second year of a combined degree program.

"Teams from law schools across Canada compete in a simulation of a grievance arbitration hearing before tri-partite panels. Truly a national event, competitors include teams from British Columbia, Nova Scotia and everywhere in between. The oralists, coaches, panellists and other invitees from the labour law community are invited to an opening reception on Friday night. The competition officially begins Saturday morning at the Ontario Labour Relations Board. Each team presents once as union counsel, and once as management counsel.

Based on the panellists' scoring, our Moot Committee determines the two finalists, who are announced at a Saturday night banquet. These finalists then go on to compete against each other for the Mathews Dinsdale & Clark National Labour Arbitration Competition Trophy on Sunday morning."

<http://www.mathewsdinsdale.com/students/national-labour-arbitration-competition/>

Participation is made possible with funding from the Faculty of Law■

Selection Process: Present a five minute oral argument before a panel of judges at the general tryouts.

Number of oralist positions: 2 (two)

Course Evaluation: Letter grade based upon research, written materials, oral performance, and participation during preparation and at the competition. No factum

Credit Weight: 3 Credits

Pre-requisite: Labour Law (Law 560) or Employment Law (Law 567) prior to, or during the Fall term, or a passing mark in an equivalent course in the past, or have had sufficient practical experience in industrial relations. Must be either a second year J.D. student, or combined program student enrolled in law during your second year of the combined program.

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## **OTLA COMPETITION**

The competition involves the trial of a civil action and features opening and closing arguments, examination-in-chief and cross-examination of witnesses. The location alternates between Queen's University, University of Western Ontario, University of Windsor, and University of Ottawa. The Moot problem usually arrives in early January and the competition takes place the first week of March. Two extra volunteer students to act as witnesses are also required. Witnesses must memorize their part and are crucial to the competition, thus travel, accommodation and meal expenses are, within reason, covered by the OTLA. There are a variety of awards to be won by oralists in this competition ranging from \$500 to \$2,000.

<https://www.otla.com/index.cfm?pg=OTLACup>

Participation is made possible through travel assistance provided by the Ontario Trial Lawyers Association and funding from the Faculty of Law■

Selection Process: Present a five minute oral argument before a panel of judges at the general tryouts.

Number of Positions available: 2 (two)

Course Evaluation: Letter grade based upon preparation of trial, written materials, oral performance, and participation during preparation and at the competition

Credit Weight: 3 credits

Prerequisite: Trial Advocacy Law (360/361/362) *or* Personal Injury Advocacy (Law 364) in either term but those enrolled in the Fall Term or who have already taken the course are strongly preferred.

Recommended: Civil Procedure (Law 225) prior to, or in Fall or Winter Terms

Helpful: Evidence (Law 320) prior to, or in the Fall or Winter Terms

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### **WALSH FAMILY LAW MOOT**

The first Walsh Family Law Moot was held in Toronto on March 16, 2013 at the Ontario Court of Appeal. The competition is sponsored by the Association of Family and Conciliation Courts

The law schools participating in the moot are York University, the University of Western Ontario, Windsor University, Queen's University, and University of Ottawa. Any student registered in the LL.B. or J.D. program at the law schools in these universities in Ontario is eligible to participate in the moot.

The Moot will be judged by leading Ontario family law practitioners and judges who will assist in the drafting of the moot problem and grading of factums.

<https://afcontario.ca/walsh-moot/>

Participation is made possible with funding from the Faculty of Law ■

Selection Process: Present a 5 minute oral argument before a panel of judges at the general tryouts.

Number of oralist positions: 4 (four)

Credit Weight: 3 Credits

Pre-requisite: Enrolled in Family Law (Law 520) prior to, or during the Fall Term

Course Evaluation: Letter grade based upon research, written materials, performance and participation during preparation and at the competition.

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## **WALSH FAMILY (NEGOTIATIONS) MOOT**

The Walsh Family (Negotiations) Moot will be judged by senior members of the profession and members of the bench.

In traditional moots students demonstrate the knowledge and skills necessary for court: persuasive advocacy of a client's legal case. The negotiation competition requires equivalent knowledge of the law, and a different set of skills. Students are given a complex problem and they must seek to negotiate a settlement with opposing counsel. Competitors are judged by the degree to which they explore interests, generate options and work effectively with opposing counsel to achieve a settlement that is as good as or better than their client's alternatives.

Participation is made possible with funding from the Faculty of Law■

Selection Process: Present a 5 minute oral argument before a panel of judges at the general tryouts.

Number of Oralist positions: 4 (four)

Pre-requisite: Enrolled in Family Law (Law 520) prior to, or during the Fall Term

Credit Weight: 3 Credits

Recommended: Negotiations

Course Evaluation: Letter grade based upon research, written materials, performance and participation during preparation and at the competition.

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## **WILLMS & SHIER ENVIRONMENTAL LAW MOOT**

The Willms & Shier Environmental Law Moot is Canada's first and only national moot court competition devoted to environmental law. Its goal is to promote awareness of the growing role of environmental issues in contemporary legal practice and public life, while enhancing law students' written and oral advocacy skills. The inaugural moot took place in February 2011.

The competition takes the form of an appeal before a Canadian court of last resort, bringing together law students, judges, leading lawyers and legal academics to explore cutting-edge

environmental law issues. The inaugural competition case will focus on the measure of damages for contaminated land.

The moot is open to all Canadian law schools. Teams consist of two or three students enrolled in a JD/bachelor of laws or equivalent degree program. Each team files a factum for one party. At the oral hearing, teams argue one side of the appeal in their first match and the other side in their second. The playoff and final matches are judged by senior appellate judges. Teams present their factums and oral argument in English"

<http://moot.willmsshier.com/home>

Key Dates: Problem released in September. Appellant's factum due in January. Respondents factum due in February. Oral argument: March

Participation is made possible with funding from the Faculty of Law ■

Selection Process: Present a 5 minute oral argument before a panel of judges at the general tryouts

Number of oralists: 3 (three)

Credit Weight: 3 credits

Pre-requisite: Enrolled in Environmental Protection Law by the Fall Term and enrolled in Administrative Law either term, or with permission of the moot supervisor.

Course Evaluation: Letter grade based upon research, written materials, performance and participation during preparation and at the competition.

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## **THE WILSON MOOT**

The Wilson Moot is a national moot founded in honour of Madame Justice Bertha Wilson, the first woman to be appointed to the Supreme Court of Canada. As such, it will probably always present issues that raise or touch on section 15 of the Charter of Rights and Freedoms, as well as other provisions of the Charter and international human rights law.

A team of four students participate in this national competition which is usually held in the Federal Court Building in Toronto. Each student will argue just one side--in every round. Students can elect to produce their written factum and oral work in either French or English. No translations are provided. The level of competition is very high thus this moot requires a significant time commitment and potential participants should be highly motivated to be

involved in every aspect of the strategizing, legal research, writing, editing, and oral preparation. Candidates should also commit to being around the law school during the moot period, which is defined as beginning January 5 and culminates with the competition, which is usually held during the last weekend of the spring break or the weekend after that.

Students are evaluated by the judges at the moot on their factum and the oral arguments. Both are weighed in the ranking of teams and individual oralists.

<http://www.thewilsonmoot.com>

Since 2005, participation has been made possible through a multi-year donation by Mr. Alfred Kwinter, in memory of his parents Mila and Zalman Kwinter ■

**Selection Process:** Present a 5 minute oral argument before a panel of judges at the general tryouts

**Number of oralists:** 4 (four)

**Recommended:** All exposure to constitutional law, particularly the Charter, especially s.15, is strongly recommended, as is exposure to human rights law at any and all levels. There are no formal pre-requisites or co-requisites.

**Credit Weight:** 3 credits

**Course Evaluation:** Letter grade based upon research, written materials, performance and participation during preparation and at the competition.

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## **WILLEM C. VIS INTERNATIONAL COMMERCIAL ARBITRATION MOOT**

The Willem C. Vis International Commercial Arbitration Moot is one of the largest and most prestigious moot competitions in the world. It is held each year in Vienna in the week before Easter, and a sister competition is held in Hong Kong earlier in the spring. The Vis Moot now brings together teams representing more than 160 universities from more than 50 countries. All members of the team will participate equally in the drafting of memoranda on behalf of the claimant and respondent and will have the opportunity to speak at least twice at the competition in Vienna.

The moot always focuses on a breach-of-contract dispute between two commercial parties located in different, imaginary countries. The dispute always includes procedural issues governed by international arbitration law and rules and substantive contract law issues governed by the UN Convention on Contracts for the International Sale of Goods. The Moot

attracts not only bright students from all parts of the globe but also, as arbitrators, many of the world's leading arbitration practitioners and scholars. It provides an exciting and intense introduction to this specialized but increasingly important field of international legal practice.  
<https://vismoot.pace.edu/>

Participation is made possible through an Endowment Fund established in 2006 by Osler, Hoskin & Harcourt LLP, and Queen's Faculty of Law ■

Selection Process: Present a five minute oral argument before a panel of judges at the general tryouts.

Number of Oralists: 4 (four)

Course Evaluation: Letter grade based upon research, written materials, performance and participation during preparation and at the competition.

Credit Weight: 6 credits (full year)

Pre-requisite: There are no formal pre-requisites

Recommended: Any of the following courses taken prior to, or concurrently with the moot in either term would be an advantage:

Public International Law (Law 540)

International Commercial Arbitration (Law 613)

International Economic Law (Law 454/456)

Commercial Law (Law 441)

Conflict of Laws (Law 550)

Also helpful would be any experience in working with international or foreign law