

LAW 347.3 DONALD G. H. BOWMAN NATIONAL TAX MOOT
(2024-2025 Sittler)

2[Nov.-Feb.](3S)

*If you are interested in the upper year moots, keep an eye out for an announcement in late August or right at the start of term. You will have a chance to apply for any moots that interest you. We typically run interviews or try-outs on a weekend, before mid-September***

Description: Up to five students will be selected annually to participate in the Donald G. H. Bowman National Tax Moot, which is typically held in Toronto. The moot involves research and advocacy, both oral and written, and allows students from Canadian law schools to debate current legal issues in taxation law with senior tax practitioners and with justices of the Tax Court and Federal Court of Appeal. The moot is recommended to those with an interest in public speaking, advocacy, exacting research and taxation issues.

Calendar Description: This course is designed for students who wish to participate in the Donald G.H. Bowman National Tax Moot. The moot involves research and advocacy, both oral and written, and allows students from Canadian law schools to debate current legal issues in taxation law with senior practitioners and with justices of the Tax Court and Federal Court of Appeal. The seminar is recommended to those with an interest in public speaking, advocacy, exacting research and taxation issues. A team of up to five students (four oralists and up to one additional participant) will be selected to represent the College at the moot competition.

Prerequisite/Co-requisite: NONE

Purpose and Emphasis: This course is designed to prepare students for participation in the Donald G.H. Bowman National Tax Moot. The content of the course depends on the issues raised by the moot problem. The problem is usually available in the early fall, and the competition takes place in late February or early March. Some work over December break may be required. Work and attendance at meetings and practices over the February break is essential.

Students who are invited may indicate their interest and compete for a place on the team. No more than five students may participate. Students are selected through an interview process and selection may be made on the basis of academic record, mooting experience or other relevant experience. Interested students will be invited to submit application materials including an updated CV and cover letter and may be interviewed as a part of the selection process.

Course Materials: The materials covered depend on the issues raised by the moot problem. Students identify the issues, then divide them among the group in two teams (two appellant representatives, two respondent representatives). Research materials identified by the coach and/or the moot problem make up the bulk of the course materials.

Teaching: In accordance with the rules of the competition, faculty assistance is limited to a general discussion of the issues, suggestions as to research sources, and suggestions on ways students can improve their moot style. In addition to seminar discussions of the issues and research sources, students will participate in several meetings and practice moots in the months of January and February. Students will prepare both an appellant and respondent factum, the final drafts of which have, in the past, been submitted to the competition organizers in early February.

Teaching and Assessment: Each student's mark will be arrived at using a combination 25% attendance, 25% quality and timeliness of written work (which will necessitate evaluation of the written work as a group effort), 25% quality of oral work, and 25% group participation. Pursuant to the moot rules, the additional participant may not be required to present oral argument at the moot competition but the additional participant will have the opportunity to present oral argument in a practice setting. In the case of the additional participant, their individual mark will be based on their research contributions to the moot team as well as their participation in practice moots (and the moot competition itself if required). The course will not satisfy the major research paper requirement nor will it meet the seminar program requirement.

LAW 427.3 GALE MOOT**2[Nov.-Feb](3S)**

(2024-2025 T. Hynes & Z. Carter)

*If you are interested in the upper year moots, keep an eye out for an announcement in late August or right at the start of term. You will have a chance to apply for any moots that interest you. We typically run interviews or try-outs on the second weekend in September***

Calendar Description: Participation in the Gale Moot Competition is required. It will involve research and advocacy, both oral and written, on a complex case or problem in the field of criminal and/or constitutional law. Students are responsible for the preparation of both an Appellant's and a Respondent's factum and will participate in multiple practice moots prior to the competition. Recommended for students with an interest in public speaking and exacting research.

Course Content

a) outline:

This seminar is for students of the College of Law who wish to take part in the Gale Moot Competition. The Gale Moot is held annually and attracts teams from law schools across Canada. Historically, the Gale Cup Moot has been held in either Toronto or Ottawa. The case argued by the students is a recent Supreme Court decision in the criminal/constitutional law area. The students are responsible for the preparation of both an Appellant's factum and a Respondent's factum, and will participate in multiple practice moots prior to the competition. The number of moots participated in the competition will depend on how far the team advances in the competition. The final two rounds will be judged by three judges which historically has included a current Justice from the Supreme Court of Canada. Every fourth year the winner of the Gale Moot is Canada's representative in the Commonwealth Moot.

b) objective:

To provide students with an opportunity to perform in-depth research, analysis, writing and advocacy in the criminal/constitutional law area. Students will develop their appellate advocacy skills through argument and presentation to actual appellate court judges.

Means of Evaluation

The means of evaluation will be the same as for the Laskin Moot (LAW 441.3).

Additional Information

There are four students on the College Gale Moot team.

LAW 430.3: NEGOTIATION AND DISPUTE RESOLUTION**1&2(3L)**

2024-2025 Term 1: Keet (ss.1&3), Fingerote (s.6) (online), Yates (s.7)

Term 2: Fingerote (s.2) (online), Baerg (s.5) (Business)

*** Note that Joe Fingerote's sections in Term 1 and Term 2 (and ONLY these two sections) are fully online. The remaining sections are in person. See the document called "Course Planning in the DR Courses" if you'd like more detail.*

*** Also, s. 5 (Baerg, Term 2) follows the same curriculum as the other courses, but with an exclusive focus on business law. (The general Negotiation courses include business, but other types of legal scenarios as well.)*

Calendar Description: This course examines the form and function of negotiation as a problem-solving process. Negotiation is critical to lawyers and others concerned with preventing or resolving disputes. We study effective negotiation from theoretical, critical and practical perspectives, placing emphasis on the lawyer's role in negotiation.

Prerequisite: *First-Year Dispute Resolution Program**
(Or, for exchange students, equivalent prior training.)

Purpose and Orientation: This is the core upper-year course in negotiation. It builds on the introduction in first year and provides the foundation for other courses in negotiation and dispute resolution. We address negotiation through hands-on simulations, encouraging you to develop problem-solving skills. You reflect critically on the lawyer's role as a communicator, problem-solver, advisor and advocate in the context of both transactional and dispute negotiation. We also invite you to consider issues of negotiation ethics, professionalism, legal contexts, strategy and the use of related processes such as mediation and collaborative law.

Texts: Materials are distributed through the course page. Students also have to purchase a supplementary e-text, for a total cost of approximately \$30. Information about this is also provided after registration.

Teaching and Assessment: Course work includes in-class and out-of-class simulated negotiations (depending on the instructor, this may include such exercises as an email negotiation or a videotaped negotiation), as well as written reflective assignments and in-class debriefings of what took place in the exercises. The emphasis is on formative assessment (development of skills over time) and collaborative learning. There is no exam. The course is *not eligible* for either the major or minor research paper credit. Class size is limited to 20.

LAW 441.3 LASKIN MOOT
(2024-2025 Sembalerus)

2[Oct.-Mar.](3S)

*If you are interested in the upper year moots, keep an eye out for an announcement in late August or right at the start of term. You will have a chance to apply for any moots that interest you. We typically run interviews or try-outs on the second weekend in September***

Calendar Description: This seminar is designed to provide academic supervision and credit for the four students who are members of the College team in the Laskin Memorial Moot Court competition. Participants do research and written and oral advocacy on a complex problem in administrative and constitutional law. The seminar is recommended for those with an interest in advocacy, exacting research, and public law issues. The Laskin Moot is a bilingual (French/English) competition where a minimum of one of the four team members participates in French.

Prerequisite/Co-requisite: NONE. Administrative Law is recommended.

Purpose and Orientation: Participation in appellate moot competitions provides an excellent means to obtain advocacy experience.

Two factums are prepared by the team and the four students moot twice in competition and many more times at the College in preparation for competition. All interested students are invited to be interviewed on "Moot try-out day" which will occur during the first few weeks of Term 1. Team selection will be completed shortly thereafter.

The team typically receives the moot problem in early October. The moot competition itself occurs around the end of the third week in February. Three hours academic credit are earned in the Spring term by each of the five participants.

Assessment: Evaluation is based on the student's written and oral work, as well as participation at meetings and practices. The teams' performance in the final competition is based on 66% of the marks for oral presentations and 33% of the marks for the factums. The College's evaluation will be influenced by the same mark allocation, but will also depend on the discretion of the instructor based on the College's evaluation criteria.

LAW 447.3 ABORIGINAL RIGHTS MOOT
(2024-2025 Paul)

2[Oct.-Mar.](3S)

*If you are interested in the upper year moots, keep an eye out for an announcement in late August or right at the start of term. You will have a chance to apply for any moots that interest you. We typically run interviews or try-outs on the second weekend in September***

Calendar Description: The Aboriginal Rights Moot is a moot structured on the traditional Aboriginal circle consensus-building process. It is designed to allow law students to debate and discuss Aboriginal rights issues vital to the Aboriginal Peoples.

Prerequisite or Co-requisite: *LAW 436.3*

Note: Team is chosen in October and competition takes place in March.

Description: The Kawaskimhon (speaking with knowledge) Aboriginal Rights Moot is a culturally sensitive national forum where issues regarding Aboriginal rights are debated by students from across Canada. Kawaskimhon is a great opportunity for law students to speak to issues of Aboriginal rights. Kawaskimhon is hosted each year by a different law school.

This event is a two-day forum. On the first day participants present oral arguments based on written submitted factums or other legal documents. At the end of the first day the host law school prepares a cultural night which usually includes a banquet, singers, and dancers. Kawaskimhon participants are required to work toward reaching consensus on the mooted problems or issues by the end of the second day. Band membership rights, territorial overlaps, the effects of hydro projects on First Nation lands, Métis rights and the history of missing Indigenous women in Canada are some of the topics this moot has explored.

LAW 448.3 DISPUTE RESOLUTION MOOT
(2024-2025 Keet)

2(3S)

*If you are interested in the upper year moots, keep an eye out for an announcement in late August or right at the start of term. You will have a chance to apply for any moots that interest you. We typically run interviews or try-outs on the second weekend in September. ****

Calendar Description: Lawyers use dispute resolution skills in various procedural settings, and often advocate for their clients in negotiation and mediation processes. This course offers students an opportunity for intensive skill development in dispute resolution, negotiation and mediation advocacy through a competitive moot experience. It may also include a client counseling and interviewing component.

Prerequisite: *LAW 430.3*. In the first half of September, a call for applications is circulated to students and the coach selects students after an interview process. Students who have taken the Negotiation course will have an advantage in applying for this moot.

Teaching and Assessment:

Students within the larger Dispute Resolution Moot Team may train together on negotiation and other dispute resolution skills, and then break off into sub-teams to attend a range of competitions. Competitions attended in the past include those focused on Mediation Advocacy (in lawyer-client pairs), Negotiation (lawyer-lawyer), and Client Counseling (lawyers interviewing and counseling clients). Competitions are typically held over a weekend in February or March. We may not know which competition(s) we are attending until the team is selected. Each student on this team will have the opportunity to attend one competition, and to work with the rest of the team as all get prepared.

In preparation for the competition, students participate in a training program which includes practice sessions, feedback from outside guests, videotaping and reviewing simulations, and completing readings and reflective writing assignments. Practice sessions will be scheduled to accommodate the availability of the team members, and the coach.

Moot training is more intense in the months of January and February, with most of the work completed by early March. A few practice sessions may also be held in Term 1.

If you have any questions about this moot team, contact Professor Keet at m.keet@usask.ca.

LAW 450.3 WESTERN CANADA MOOT\SOPINKA CUP
(2024-2025 Fitzgerald)

2[Oct.-Mar.](3S)

The selection for this moot is not the same as for the remainder of our upper-year moots. To be eligible for this moot, you will need to take Shelby Fitzgerald's Term 1 section of Trial Advocacy. The Western Trial moot team will be selected from the students registered in and participating in this section (and only this section) of Trial Advocacy.

This course includes classroom sessions as well as practice trials. As court appearances have started to take place remotely, we will conduct *some* practice trials virtually so as to provide students the opportunity to learn to navigate the courtroom both in-person and not.

Calendar Description: This course involves preparation and participation in a trial advocacy moot initially involving the seven western Canadian law schools followed by a national competition. Participants are involved in juried trial relating to a problem in evidence, criminal procedure and/or criminal law. Participants are expected to prepare opening juror addresses, examinations-in-chief, cross examinations, and closing arguments. In addition, there is research on various evidentiary points which arise during the course of argument.

Note: Trial Advocacy (Western Canada Moot) 452.3 is a prerequisite for this course. This course will be offered in Term 1, and will be used as a foundational course for the Western Canada Moot.

Calendar Description: This seminar is for students who wish to hone in their advocacy skills and receive guidance on producing quality written materials.

The Jessup moot involves significant research, writing, and oral advocacy. Though the problem is based on international law, the skills developed are transferable to all areas of legal practice. This year's problem will present the following issues:

- 1 the rights and obligations of other members of the international community when two persons claim to be the legitimate president of a state;
- 2 invocation of immunity for government officials accused of grave violations of human rights;
- 3 the legal consequences of receding coastlines for the maritime zones of coastal states; and
- 4 the interpretation of the compromissory clause in a treaty creating a regional organization.

Students will write Applicant and Respondent memorials (factums), and participate in practice moots to prepare their oral argument. Students are expected to participate in the Canadian National Rounds. If the team places highly in Canada, the team may qualify for the International Rounds in Washington, D.C.

This seminar takes place over the fall and winter semesters. The official Jessup schedule can be found at <https://www.ilsa.org/jessup-competitors/>. Students receive three course credits to be designated towards term one or two.

Prerequisite/Co-requisite: NONE

Purpose and Emphasis: This seminar is designed to prepare students for competing in the Philip C. Jessup International Law Moot competition. The Jessup is the largest moot court competition in the world, drawing law students from over 120 countries. Students compete in national rounds for the chance to compete in the Jessup World Championship in Washington, D.C. The Canadian rounds of the Jessup Moot are held by a host Canadian law school each year, with the top teams advancing to compete in the International Rounds. The case argued each year is a problem between two fictional states, argued before a fictional panel of the International Court of Justice.

The problem is available in mid-September, with memorials (factums) due in early January. The Canadian national rounds are typically held in mid to late February, with the International Rounds scheduled for the first week of April. Mooters who are selected for the team are expected to work together to finalise their memorials over the Christmas break.

No more than five mooters may be selected for the team: four oralists and one research counsel. Students will be selected on the basis of their academic record, research and writing experience, mooted or public speaking interest or experience, and interest in advocacy. Interested students will be interviewed as part of the selection process and are invited to submit a letter outlining any relevant experience that they would like considered.

Course Materials: The materials covered depend on the issues raised by the Jessup problem. Students will be expected to identify the issues raised in the Jessup problem, conduct in-depth legal research on those issues, and prepare memoranda on their research.

Course Orientation: Students are expected to attend regular meetings commencing in the first semester. Students will first prepare and exchange/present research on issues raised by the Jessup problem. Next, students jointly prepare and file an Applicant and a Respondent memorial in early January. Focus of the team then switches to practice moots to improve oral advocacy. In mid-February, students will travel to the host city for the Canadian national rounds and participate fully in the competition.

Means of Evaluation: Evaluation is based on the student's written and oral work, as well as their participation in meetings, practices, and overall commitment to the moot team.

- 33% of their grade will be based on the student's individual work in the first semester
- 33% of their grade based on their contribution to the memorials
- 33% of their grade will be based on the student's performance in the oral component of the seminar

The seminar will not satisfy the major paper requirement.

LAW 464.3 DAVIES CORPORATE/SECURITIES MOOT
(2024-2025 TBD)

2[Oct.-Mar.](3S)

*If you are interested in the upper year moots, keep an eye out for an announcement in late August or right at the start of term. You will have a chance to apply for any moots that interest you. We typically run interviews or try-outs on the second weekend in September***

Description: The College will once again participate in the annual Davies Canadian Corporate/Securities Law Moot. Work on the problem begins in early January 2025, with factums to be submitted by early February and oral argument in Toronto in early March. Thus, the moot involves intensive work in the first part of the second semester. As with other competitive moots in which the College participates, the Corporate/Securities Moot is a 3-credit course with travel costs covered to promote equal access. **Four students will be selected to participate in the moot. All team members will attend the moot in Toronto. Students in both 2nd and 3rd year are eligible to apply.**

Prerequisite: Students must have taken or be taking Business Organizations I 361.3. This is a requirement to be considered for the moot. Exceptions are made but only in **very exceptional circumstances**. Preference will also be given to students who have taken, or are taking, Securities Regulation 401.3 in the Fall 2024 term.

Recognized as the leading event of its kind in Canada, the annual Davies' Corporate/Securities Law Moot provides an opportunity for top students from Canadian law schools to debate current legal issues in corporate and securities law with senior practitioners from Toronto law firms and corporations, regulators from the Ontario Securities Commission and judges. In addition to the formal moot competition, students have the opportunity to meet and socialize with other participants as well as many of the senior lawyers, regulators and judges who sit as justices for the competition.