



Upper-Year Competitive Moot Program

2024 - 2025

Deadline to apply: August 26th, 2024

Tryouts: Weekend of September 14th, 2024

BE WHAT THE WORLD NEEDS

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Introduction

Dear Second and Third-year Students,

As you are settling into your fall schedules, I would like to encourage you to consider joining a moot team.

The College of Law has a rich history of mooting successes. Our moot coaches are dedicated professionals who have rich experience in their fields. Moot students often find the relationships – with the coaches and with their teammates – to be rewarding, and the hands-on work to be a refreshing change from the classroom. Prospective employers often seek out moot competitors for the skill sets they develop.

You will find more information about our moot options in this package. Please take note of the deadline for applications, and the tryout dates. Whether you are in second or third year, we encourage you to explore these options. If you are a 2L, then taking part in tryouts is also a great way to learn more about the options for your final year.

In short, I strongly suggest that each of you give serious thought to trying out for a competitive moot team.

Sincerely,

Martin Phillipson
Dean and Professor
College of Law

“Practicing my advocacy skills has made me feel more confident going into my upcoming summer employment term and clerkship... Mooting also fosters a feeling of community throughout the entire College” ~ Kelsey Leik

“Being on the moot team was the highlight of my 2L year” ~ Archer Bell

Land Acknowledgement

As we gather to assemble our moot teams, we acknowledge that we are on Treaty Six Territory and the Homeland of the Métis. We pay our respect to the First Nation and Métis ancestors of this place and reaffirm our relationship with one another.

Contact Information

If you have any questions, please reach out to law.moots@usask.ca.

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General Information

The upper year moots are important experiential learning opportunities: They take students beyond textbooks “into courtrooms and boardrooms”, helping to hone skills such as problem-solving, persuasion, presentation and argument, and written advocacy. Moots are known to offer wonderful small group learning experiences, a chance to build connections and relationships with students and professionals such as practicing lawyers and judges.

This coming year, the College has eight moot teams. Competitions are held in February and March; training tends to be concentrated in the second term but will usually begin in the fall. Most moots run as a team of 4 students. If the moot involves travel, then your travel costs are subsidized by the College.

Each moot counts for 3 credit units (a normal course), and teams are selected through an application/try-out day during the weekend of September 14th, 2024. If you are selected for a team, you will then be able to drop a second-term course.

This year’s application deadline is **August 26th, 2024**. For most teams, tryouts will be held during the weekend of September 14th.

Unless indicated, none of the moots *require* prerequisites, but you may feel more prepared if you have foundational courses in the moot’s substantive legal area, and some moots do have recommended courses. Even if you are a 2L, though, we encourage you to apply. Usually, half of our mooters are 2Ls!

Participation and Expectations

- **Breakdown of responsibilities of the student:** Generally, students will be expected to work in groups and on their own to complete assigned tasks and to fully prepare for their moot competitions. This includes doing legal and other preparatory research, writing (which varies from moot to moot), attending practices, traveling with the team, and other tasks, under the guidance of the coach.
- **Expectation (hours per week):** A moot course is unique in the sense that the work is negotiated around considerations such as the training schedule, the availability of the coach and team members, and the cycles of preparation/deadlines required by the competition. Work is usually spread out over both terms, and often happens in the evenings or sometimes even the weekends. Each moot coach will be able to provide more clarity around anticipated schedules, and you can ask these sorts of questions during tryouts.
- **Prerequisites?** Some moots have prerequisites or suggested courses. You will find more information in the individual moot descriptions below.

How to Apply

To apply for a moot team, please submit your application via the [Experiential Learning Canvas](#) portal by **August 26th, 2024**. Please make sure you include the following information in a combined PDF format:

1. Your resume and cover letter, addressing why you are interested in participating on a moot team and include reference to any relevant law or prior University classes and other relevant experience
2. An electronic copy of your marks
3. Whether you have participated on a College of Law moot team before (note that if you are applying to different moots, you may wish to tailor your cover letter for each separate moot)

Unless otherwise indicated for a particular moot, tryouts will be during the weekend of September 14th, 2024. If selected, you will be contacted to schedule a time to interview. On the day of tryouts, you will be asked to rank your preferences - at the end of the day. Some tryouts will involve interviews, and some will involve short simulations. Unless advised otherwise, you are encouraged to wear business attire during the tryouts.

If you are selected, you will then choose a course to drop in your second-term. Should you have any immediate questions or concerns, please direct them to law.moots@usask.ca.

Learning Objectives

Because moots are considered hands-on, they are designed to deepen the following competencies: communication skills (both written and verbal), analytical and strategic planning skills in relation to the management of a legal case, research and preparation, confident and thoughtful advocacy skills, capacity to receive feedback and reflect, teamwork, critical thinking, and many other related skills.

Details About Moot Teams

The Gale Cup (Law 427.3)

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.

The coaches of the Gale Cup Moot are Thomas Hynes and Zachary Carter.

More information about the Gale Cup Moot can be found at <https://www.galecupmoot.com/>

The Laskin Moot (Law 441.3)

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.

This moot is coached by Audrey Sembalerus

Jessup Moot (Law 459.3)

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, mooting 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.

This moot is coached by Rochelle Blocka.

Western Canada Moot (Law 450.3)

*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 a 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.

This moot is coached by Shelby Fitzgerald.

Kawaskimhon National Aboriginal Rights Moot (Law 447.3)

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*

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.

The team is coached by Shoshanna Paul.

Dispute Resolution Moot (Law 448.3)

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.

The Donald G.H. Bowman National Tax Moot (Law 347.3)

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.

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 mooting 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.

This team is coached by Brooke Sittler.

Davies Corporate/Securities Moot (Law 464.3)

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.

Assessment

Generally, moots are assessed on a combination of the tasks individually completed by a student: written work, preparation for practices, contributions to team learning, delivery and execution of advocacy skills. Some students worry that academic performance is tied to the team's success or placement at a competition: that is not the case. More information about assessment will come from individual coaches, and if you have any questions about that, feel free to ask.