

To: Dean Jutta Brunnée and Faculty Council

From: Mooting and Advocacy Committee  
Mohammad Fadel, Sara Faherty (co-chair), Sara-Marni Hubbard, Ben Kitching,  
Ian Lee (co-chair), John Metzger, Martha Shaffer

Date: March 22, 2023

Re: Final Report

---

As is the case each year, this Committee is tasked with evaluating potential new mooting opportunities and to make a recommendation to the Dean regarding the Faculty's possible participation. Since our last report, the Faculty has been invited to consider participating in the following moots:

1. Animal Law Moot
2. World Moot on International Law and Animal Rights
3. Bangor University Wales
4. Bastarache Moot
5. Cross-Examination Moot (Paris)
6. Tort Law Moot
7. Trilegal International Arbitration Moot (India)

The Committee has developed a set of criteria to guide our evaluation of new mooting opportunities. Broadly speaking, these criteria concern the level of student interest, the quality of the moot, how the moot fits within our mooting and curricular programs, and the resource demands that would be entailed by participation in the moot. The specific criteria are listed in Appendix A.

After discussing the various opportunities, the Committee reached the following conclusions:

- a) The Faculty should join the Tort Law Moot.
- b) The Bastarache Moot is potentially interesting and although we do not recommend joining the competition this year, it may be that the Faculty would consider joining it in a future year.
- c) None of the other moots are appropriate under our assessment criteria.

While the Committee considered that the general subject-matter of the two animal law moots is potentially interesting, both of these moot proposals are at too early a stage of development for the Faculty to consider joining them. The same consideration, among others, led the Committee to decline to recommend that we join the Bangor Moot. As for the moots taking place in Paris and India, the Faculty's consistent practice is not to participate in competitions for which the initial rounds take place overseas.

Regarding the Bastarache Moot, a significant factor contributing to our recommendation against joining the competition is that it takes place in French. The Committee believes that our students would benefit from having more opportunities to hone their French-language advocacy skills through mooting; we would welcome, in principle, the addition of a high-quality francophone competition to the Faculty's mooting portfolio. Currently, the Faculty participates in the Laskin Moot, a bilingual competition in which one member of the team argues in French. However, the Faculty does not have reliable access to a sufficiently deep pool of francophone mooters to be able to commit to fielding a team each year at a competition taking place entirely in French.

Under Faculty rules, students are not allowed to take language courses for academic credit. We recognize that any recommendation to change this rule would need come from the Curriculum Committee. We observe, nevertheless, that the rule presents an obstacle to students who wish to improve their linguistic competency in French. If this rule were relaxed, the Faculty could, over time, become better positioned to join a competition such as the Bastarache, and thus to offer additional opportunities to our students to moot in French.

## APPENDIX A

### **Student Interest and Demand**

- Is there student interest in the subject area addressed by the moot?
- Is there student demand for this particular moot?

### **Student Eligibility**

- Does the moot require particular skills (i.e. language, substantive knowledge)?
- Which year(s) of law school does the moot target?
- Is there or should there be a prerequisite course requirement?

### **Cost**

- What is the estimated cost of participation of both students, coaches, and faculty supervisors (including fees, travel, accommodation, and per diems)?
- How does the estimated cost of this opportunity compare to existing competitive mooting opportunities?
- Is there an external partner who would be willing to support this opportunity (for example, by allowing us to use their copy services)?
- Can we afford to participate on an ongoing basis based on overall financial constraints?

### **Supervisor Expertise and Availability**

- Do we have faculty members or adjunct faculty who are interested in the substantive area of law address by the moot?
- Are there faculty members or adjunct faculty who are available and willing to supervise the moot?
- Is there a current or potential faculty champion?

### **Pedagogical Value**

- What skills does the moot emphasize (for example, mediation vs. appellate advocacy vs. trial advocacy)?
- Is there a written and oral advocacy component?
- To what extent are the substantive issues addressed by the moot sufficiently complex?
- How does the workload compare to current competitive for-credit mooting opportunities?
- Who will judge the moot, what is the skill-level of the other mooters?
- Is there an external partner who would be willing to support this opportunity (for example, by supporting “run-throughs”)?

### **Overall Diversity of Mooting Opportunities**

- Do we offer another moot in this substantive area of law?
- Does this moot emphasize a unique set of skills as compared to existing competitive mooting opportunities?

- Do students have an opportunity to interact with diverse professionals and/or peers compared to existing competitive mooting opportunities? Faculty's Overall Curricular Priorities
- Is this moot consistent with or will it enhance our curricular priorities (i.e. focus on international, comparative and transnational law etc.)?

### **Prestige, Reputation & Profile of the Moot**

- How long has the moot been running? When was it formed?
- What other schools participate, both within Canada and internationally?
- Is there a sponsor for the moot? If so, who is it?

### **Timing**

- Does the timing of the moot competition work in terms of the Faculty's sessional dates and exam schedule?