

To: Faculty Council
From: Hamish Stewart and Sara Faherty
RE: Final Report, 2021-22 Academic Year
Date: March 22, 2022

This year the Mooting and Advocacy Committee considered two issues: which, if any new moots we recommend joining for the 2022-2023 academic year, and how to handle the issue of students who wish to moot during the academic year when they go on exchange for one term. This report addresses those issues in two separate sections, each of which ends with recommendation to the Dean.

Section I: Mooting Invitations

The Law Faculty was invited (by either moot organizers or current students) to consider participating in eight moots since our last report.

1. Inter-American Human Rights Moot Court Competition, American University Washington College of Law
2. International Criminal Court Moot Court Competition
3. NALSAR United Nations High Commissioner for Refugees Public International Law Moot.
4. Telders International Law Moot Court Competition—The Netherlands
5. Tort Moot
6. Vis Moot
7. Walker Health Law Moot
8. Walsh Child Protection Moot

The Committee applied the following criteria to evaluate these opportunities:

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?

After some discussion the Committee came to the following conclusion about these invitations.

- a) The Faculty should join the Child Protection Moot, with *Children, Family, and the Law* listed as a pre- or co-requisite;
- b) The Faculty should allow students on exchange at the Centre for Transnational Legal Studies to participate on that program’s Vis Moot team, if selected to do so. The credits would be accepted and applied to the U of T Law Faculty degree as part of their exchange program credits, and those students should be deemed to have met the Faculty’s oral advocacy graduation requirement.
- c) The Tort law moot is interesting and may develop into a competition the Faculty would consider joining.

- d) None of the other moots are appropriate under the criteria above.

Section II: Credit Allocation of the Moots

In last year's report, the Committee said the following:

Under current rules, the three credits that a student receives for participating in a competitive moot are normally allocated as follows: one credit in the Fall term, two credits in the Winter term. The rationale for this allocation is that although moot competitions normally occur in the Winter term, the work often begins in the Fall term when the problem is made available to the participants. The Callaghan Moot (an internal competition with 16 participants) is an exception: The Callaghan Moot problem is normally made available in January, so all the work for that moot is done in the Winter term. As a result, students who are on exchange in the Fall term cannot participate in any competitive moot other than the Callaghan.

Your Committee considered a proposal from the Students' Law Society that would enable students who are on exchange in the Fall term to try out for any competitive moot. Your Committee debated this proposal and adopted it in the following form:

Your Committee recommends on a trial basis that only students who are on exchange in the Fall 2021 (or, if exchanges do not resume in 2021, Fall 2022) term be permitted to try out for the competitive moot program and, if successful in obtaining a spot in a full-year moot, to allocate the moot's three credit hours to the Winter 2022 (or Winter 2023) term.

The vote in your Committee was not unanimous. Some members of your Committee opposed the proposal, on the ground that it would compromise the integrity of the idea of being on exchange and on the basis of experience suggesting that students who are not present in Toronto tend to become disengaged from commitments they may have made, in all good faith, for the Fall term. These members also noted that students who are on exchange in a Fall term can try out for the Callaghan Moot in the same year, or for any moot in the year that they are not on exchange.

The recommendation was not adopted. This year, the Committee revisited the issue. The Committee considered that the objections raised last year were significant and the dominant view in the Committee was that we should therefore not renew the recommendation. However, the Committee is generally of the view that the recommendation might work for some moots, depending on how the actual work of a particular moot is distributed across the two semesters. The Committee therefore recommends that the Associate Dean and the Assistant Dean consult with each other and with the student Moot Court Committee to identify those moots for which it might be appropriate to allocate three credits to the winter term and, if there are any such moots, to permit students who successfully try out for such moots in the Fall 2022 term to allocate the moot's three credit hours to the Winter 2023 term.

Respectfully submitted,

Sara Faherty (co-chair)
Terry Gardiner
Ema Ibrakovic
Ian Lee
John Metzger
Kent Roach
Martha Shaffer
Hamish Stewart (co-chair)