

Report of the Mooting and Advocacy Committee

March 9, 2016

Chair: Martha Shaffer

Members: Sara Faherty, Fraser Malcolm, Evan Rankin, Malcolm Thorburn

1. Introduction

The Terms of Reference for the Mooting and Advocacy Committee are as follows (from the Dean's mandate letter of October 16, 2015):

- To serve as an ongoing forum that will gather information, make recommendations and respond effectively to issues that arise in relation to the compulsory and competitive mooting program;
- To annually review and analyze feedback from students and faculty advisors on the mooting program and make any recommendations accordingly;
- To explore the development of new competitive mooting opportunities by applying the criteria for assessing our potential involvement as these opportunities arise, with the goal of making a recommendation regarding participation to the Short Term Curriculum Committee;
- To develop a set of best practices guidelines to help enhance the support and supervision for the moots;
- To advise the Dean on other issues relating to the mooting program; and
- Any new priorities that arise from time to time and as directed by the Dean.

This year, the Committee dealt principally with consideration of new mooting opportunities. We also met with the Moot Court Committee to discuss the student perspective on the state of our mooting and advocacy programs.

2. New Moots

As usual, the committee considered a number of proposals for participation in moots that our students do not currently compete in. We considered these proposals in light of the criteria established in previous years:

1. The faculty's overall curricular priorities
2. Pedagogical value
3. Student interest and demand
4. Student eligibility
5. Supervisor expertise and availability
6. Overall diversity of mooting opportunities

7. Prestige, reputation, and profile of the moot
8. Cost
9. Timing

This year, the Committee considered the following new moots:

1. **Asian Law Students Association International Moot Court Competition**, Jakarta Indonesia, (Investment Settlement Dispute re: arbitration matters)
2. **Clara Barton International Humanitarian Law Competition**, Seattle Washington (simulation based competition)
3. **Global Antitrust Invitational Moot Court**, Washington, DC
4. **Gujarat National Law University International Moot Court Competition**, Gujarat, India (International Trade Law)
5. **International Alternative Dispute Resolution Competition**, Hong Kong
6. **International Criminal Court Moot Court Competition**, The Hague (late May)
7. **Nelson Mandela World Human Rights Moot Court Competition**, Geneva, Switzerland (July)
8. **Pictet Competition**, Evian-les-Bains, France (International Humanitarian Law)
9. **Price International Media Law Moot**, Oxford with qualifying round in New York City
10. **Stetson International Environmental Law Moot**, Gulfport Florida (mid-April)

With the *possible* exception of the **Pictet Competition**, we recommend against participating in any of these new moots. In our view, the moots failed to meet one or more of the following criteria: cost, timing, supervisor expertise and availability, and reputation and profile. Cost was a significant factor, as several of these moots are held overseas and participation would be extremely expensive.

The **Pictet** Competition is in France and ordinarily the cost factor we would lead us to recommend against participating. The reason we are considering this moot is that the Munk School of Global Affairs, at which several of our students study, has offered to split the cost with us. We have gone back to Munk to see if they are willing to pick up the entire cost, and if they are, we would consider adding the moot to our roster. Our other hesitation with this moot is that it is not clear that we have anyone on faculty who could take on the role of supervisor.

3. Meeting with the Moot Court Committee

On February 24, 2016 we met with the five members of the Moot Court Committee to hear their perspective on the state of the mooting and advocacy programs at the law Faculty of Law. Though generally very positive about our program, they raised three areas where they believe there is a need for discussion to ensure the growth, improvement and success of the mooting program:

- A. Increasing the number of meaningful advocacy opportunities for students in both the first year of the program and in upper years;
- B. Increasing the involvement and support of faculty members

C. Recognizing the efforts of upper year coaches

A. Increasing Meaningful Advocacy Opportunities

There is very strong demand among students for moot and advocacy opportunities in both first year and in the upper years of the program. The Moot Court Committee would like to see a very gradual expansion of the number of competitive moots available to upper year students. A gradual expansion would provide increasing numbers of upper year students with the opportunity to participate in competitive mooting without overwhelming the resources of the moot court committee (being able to recruit coaches, etc).

The Moot Court Committee would also like to see more moot and advocacy opportunities available to first year students. Ideally, they would like first year students to be introduced to mooting as part of the first year curriculum, possibly through the Legal Research and Writing course. Integrating mooting and advocacy into first year could have an important “leveling up” or equity role by providing all students with the opportunity to develop advocacy skills before the competitive moot try outs in upper year.

B. Increasing the Involvement of Faculty Members

The Moot Court Committee was of the view that students participating in competitive mooting would benefit from increased faculty involvement and support. In particular, they noted that faculty members could play a meaningful role in reviewing and commenting on facta (provided that students were able to get draft facta to the faculty in advance of the submission deadline).

C. Recognizing the Efforts of Upper Year Coaches

Upper year students play an invaluable role in the competitive moot program and devote an enormous amount of time and energy to the program’s success. Since 2014-2015, students who serve as coaches can receive one ungraded credit if, in addition to their work with the team, they submit a 2,500-3,000 word paper and a journal documenting the substantive feedback they provided to the mooters. The Moot Court Committee would like the paper requirement removed so that the ungraded credit would be available based on the coaching work, which involves doing multiple run throughs with and providing comments on multiple drafts of the facta.

Our Committee was sympathetic to the desire to increase the number of mooting and advocacy opportunities. We recommend that next year’s committee consider creating an upper year moot with Osgoode Hall Law School. A U of T versus Osgoode moot would have the benefit of expanding mooting opportunities in a way that is mindful of costs. We also support the idea of integrating mooting into the first year curriculum. We note that the possibility of adding an Intersession in January that is currently under consideration might provide an opportunity for this to happen.

Our Committee was also sympathetic with the goal of encouraging faculty members to provide feedback on draft facta and will continue discussions with the Moot Court Committee as to how this could be achieved. We note that removing the paper requirement for academic credit is a trickier issue, as it involves consideration of equity across other student activities where ungraded credits can also be earned upon submission of a short paper.