

**COMPULSORY MOOT
LAWS 2201X/Y.01
2009-2010**

SYLLABUS

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Office Hours: as scheduled below; any time by appointment

Date/ Location	Topic	Readings
Tues. Sept. 22 '09 12:00–1:00 p.m. Room 105	Introduction and Written Advocacy I (Persuasive Legal Writing) Moot Problems Distributed Professor: Cynthia Chewter	Moot Court Manual 2009-2010
Tues. Sept. 29 '09 12:00 – 1:00 p.m. Room 105	Written Advocacy II (Writing a Persuasive Factum: a Lawyer's Perspective) Professor: Steve Coughlan	John I. Laskin, "Forget the Windup and Make the Pitch" Marvin Catzman, The Wrong Stuff: How to Lose Appeals in the Court of Appeal"
Tues. Oct. 6, 2009 12:00 – 1:00 p.m. Room 105	Written Advocacy III (Writing a Persuasive Factum: a Judge's Perspective) Guest: Retired Justice David A. Chipman, Nova Scotia Court of Appeal	David R. Chipman, "Appeal Court Practice"
Wed. Oct. 7, 2009 7:30 p.m. Room 105	Smith Shield Moot	
Thurs. Oct. 22 '09 9:00 a.m.–11:00 a.m. Room 207	Appellants' factums due to court and opposing counsel	
Thurs. Oct. 29 '09 9:00 a.m.–11:00 a.m. Room 207	Respondents' factums due to court and opposing counsel	
Tues. Jan. 12, '10 12:00– 1:00 p.m. Room 105	Oral Advocacy I (Basics and Courtroom Decorum) Professor: Cynthia Chewter	Justice John Sopinka, <i>The Conduct of an Appeal</i> , pp.277-291
Tues. Jan. 19, '10 12:00 – 1:00 p.m. Room 105	Oral Advocacy II (Crafting a Persuasive Argument: a Lawyer's Perspective) Professor: David Blaikie	The Honourable Mr. Justice Sydney L. Robins, "Appellate Advocacy," (October 1997) 16 <i>Advocates</i> ; Soc. J. No. 3, 11-15
Jan. 25 - 28 '10 5:00–7:00 p.m. or 7:00–9:00 p.m. Rooms TBA	Moots (each student will be assigned a two hour timeslot to argue their moot this week.)	

Materials

The basics of the program and factum requirements are set out in the Moot Court Manual 2009-10. For the fall term, the assigned readings are:

The Honourable Mr. Justice John I. Laskin, "Forget the Windup and Make the Pitch: Some Suggestions for Writing More Persuasive Factums" (Summer 1999) 18 *Advocates' Soc. J.* No.2, 3-12 online: Ontario Courts <<http://www.ontariocourts.on.ca/coa/en/ps/speeches/forget.htm>>.

The Honourable Mr. Justice Marvin Catzman, "The Wrong Stuff: How to Lose Appeals in the Court of Appeal" (Summer 2000) 19 *Advocates' Soc. J.* No. 1, at 1-5.

The Honourable David R. Chipman, Q.C. "Appeal Court Practice" (2009) [unpublished].

For the winter term, the assigned readings are:

The Honourable Justice John Sopinka, *The Conduct of an Appeal*, 2nd ed. (Toronto: Butterworths, 2000), c.9 at 277-291.

The Honourable Mr. Justice Sydney L. Robins, "Appellate Advocacy," (October 1997) 16 Advocates; Soc. J. No. 3, 11-15.

Exchange of Factums

Each team of two students will need to hand in THREE copies of their factum for the Court and provide TWO copies to opposing counsel (one to each member of the opposing team) for a total of FIVE copies. Hard copies are required for the Court, but students may exchange copies electronically if all agree. Opposing counsel must receive their copies by 11:00 a.m. on the same day the factum is due.

Evaluation

This class is worth 1 credit (0.5 credits each term.) It is evaluated based on two assignments: a written factum and a moot, both marked by a faculty member. The class is evaluated on an honours/pass/fail basis.

Exceptional mooters may be nominated to try out for the Smith Shield Mooting Competition the following year.

Office Hours

My office is located next to Rose Godfrey in the Administrative section of the Weldon Building. I am happy to meet with students outside the posted hours – speak to me after class, call, or email to arrange an appointment.

Fall Term	Winter Term
Tues. Sept. 29, 1:00 – 2:00 p.m.	Tues. Jan 12, 1:00 – 2:00 p.m.
Tues. Oct. 6, 1:00 – 2:00 p.m.	Tues. Jan. 19, 1:00 – 2:00 p.m.
Thurs. Oct. 15 2:00 p.m. – 4:00 p.m.	Thurs. Jan 21, 9:30 a.m. – 11:30 a.m.
Tues. Oct. 20, 9:30 a.m. – 12:00 p.m.	

Smith Shield Moot and Nova Scotia Court of Appeal

All students are encouraged to attend the Smith Shield Moot on Wednesday, October 7, 2009 at 7:30 p.m. in Room 105.

I also encourage all students to attend and observe an appeal hearing at the Nova Scotia Court of Appeal at some point during the school year. The Court of Appeal is located at the Law Courts, 1815 Upper Water Street, Halifax. It is open to the public. The court's docket gives a brief summary of the case along with the date and time of the hearing. It is posted on-line at: http://courts.ns.ca/dockets_on_line/nsca_docket.htm.

Communication

Announcements will be made at the beginning of class. I may also communicate with the class via e-mail to each student's dal.ca account. As students are deemed to have received all e-mail sent to the dal.ca account, students should ensure their account is activated and check it regularly.

Class Changes and Cancellations

Class changes and cancellations will be communicated in class. Reception will also be informed so that a notice can be placed on the classroom door.

Students with Special Needs/Requests for Accommodation

Professor Pothier is the faculty advisor to students with disabilities. Students wishing to discuss in-class accommodation or in-class study assistance needs should see Professor Pothier.

Students seeking special accommodation with regard to any aspect of course evaluation (including exam deferrals and extensions to deadlines) must make an application to the Studies Committee. Academic regulations require such requests to be made as soon possible and, in any event, no later than the date on which the exam is to be written or the paper or other assignment is to be submitted. Students should contact Associate Dean Michael Deturbide or Assistant Dean Elizabeth Hughes for more information about requests for accommodation and about the Studies Committee process.

Pandemic H1N1 Influenza Advisory in relation to Academic Continuity

In the event of an escalation of the pandemic H1N1 influenza virus, the University may need to authorize Academic Units to change elements of class schedules and/or evaluation plans as outlined in course syllabi. Any change is intended to support the primary goal of reducing the risk of spreading a pandemic influenza among students, faculty and staff.

Although it is difficult to predict the severity of the pandemic, the University is committed to minimizing the impact on student's academic progress. Therefore, every effort will be made to provide students with options for continued learning and for continued fair evaluations.

Changes may include but are not limited to:

- Adjustments to course assignments;
- Changes to the dates of exams;
- Arrangements for alternative evaluations for students affected by H1N1 influenza virus;
- Adjustments to work terms;
- Modification of marks awarded for participation;
- Adjustments to attendance policies.

Any alternative plan made in individual courses may be superseded by University-wide or Government measures to reduce the spread of the pandemic H1N1 influenza virus.