

THE ISAAC

THE JULIUS ALEXANDER ISAAC MOOT

BLSA Canada invites you to participate in the
14th Julius Alexander Isaac Moot
to be held virtually on the weekend of February 5th and
6th, 2021.



**BLACK LAW STUDENTS
ASSOCIATION OF CANADA**

**L'ASSOCIATION DES ETUDIANTS NOIRS
EN DROIT DU CANADA**

THE MOOT



Julius Alexander Isaac

The Black Law Students' Association of Canada (BLSA Canada) has hosted the Julius Alexander Isaac Moot each year for the past fourteen years.

Julius Alexander Isaac was the first Black person to sit on the Federal Court of Canada. Born in Grenada, Isaac came to Canada to study at the University of Toronto. He practiced law in Ontario and Saskatchewan and served as a Crown prosecutor before becoming the assistant deputy Attorney-General of Canada, before joining the bench of the Supreme Court of Ontario. In 1991, he was appointed Chief Justice of the Federal Court of Canada.

The Isaac is the only for-credit moot in Canada which encourages law students to apply critical race theories in responding to a legal problem.

Participants are also provided with a unique opportunity to receive individual feedback on their advocacy from experienced litigators, through a partnership with the Ontario Crown Attorneys' Association (OCAA).

Our goal is to build a cadre of litigators who are able to advance critical race approaches as a part of their legal practice, to better serve the diverse Canadian public.

We welcome the participation of all law students who wish to develop a deeper understanding of the law through this lens.

OUR TEAM

MOOT EXECUTIVE



TIANA KNIGHT

NATIONAL PRESIDENT

3L, University of Windsor Faculty of Law



KERRY-ANN CORNWALL

NATIONAL CHAIR

2L, Osgoode Hall Law School



KEIHGAN BLACKMORE

MOOT DIRECTOR

2L, McGill University Faculty of Law

ABOUT BLSA CANADA: WHO WE ARE

BLSA Canada - a national, student-run nonprofit organization - is dedicated to supporting and enhancing academic and professional opportunities for Black law students, and welcoming allies from all backgrounds who seek to make a meaningful contribution to social justice initiatives. We aim to promote racial diversity in Canadian law schools and foster a more culturally competent legal profession.



IN THE BEGINNING

The structure and rules of the Moot were carefully crafted by professor Joanne St. Lewis of the University of Ottawa's Faculty of Law. She also serves as an advisor to the Canadian Lawyers for International Human Rights and the Center for Research-Action Race Relations.

Professor St. Lewis's combination of academic expertise in critical race theory and experience in litigation ensure that the Moot exceeds the rigorous academic standards of a credit course.



She has held positions with the Ontario Human Rights Commission and the Ontario Race Relations Directorate. She was also co-counsel for the Assembly of First Nations at the Canadian Human Rights Tribunal and at the Federal Court Trial Division on the test regarding discriminatory funding of Aboriginal child welfare services on reserves.

Professor St. Lewis was the Co-Chair of the Canadian Bar Association's Working Group on Racial Equality and the author of the report "Virtual Justice: Systemic Racism in the Canadian Legal Profession".

WHAT IS CRITICAL RACE THEORY?

JOSHUA SEALY-HARRINGTON: MOOT PROBLEM WRITER

Critical Race Theory (CRT) is an academic field of inquiry interested in the intersection of law and racial inequality. It defies narrow definition. But one could say it seeks racial truth, i.e., that it challenges established conservative—and even liberal—interpretations of law and society. As Derrick Bell, the “intellectual forefather of CRT”, explains: “critical race theory recognizes that revolutionizing a culture begins with the radical assessment of it.”

However, it would be incomplete to claim that critical race theory—or, perhaps more precisely, critical race theories—does not reflect any ideological leaning (indeed, every movement does). And CRT is a generally “progressive” ideological movement—in the words of one of its founding theorists, Kimberlé Crenshaw, CRT represents a “left intervention into race discourse and a race intervention into left discourse.”

More precisely, CRT can be understood in opposition with “post-racialism”—whereas post-racialism claims that race does not play an explanatory role in our current society, CRT counterclaims that race not only plays such a role in society, but further, that powerful forces (like law) assist race in playing that role. For example, in the United States, mass shootings by white men are typically characterized by initial media reporting as relating to mental health, whereas mass shootings by Arab-Americans are quickly characterized as relating to terrorism. A post-racial lens would say that race simply describes the demographics of terrorist actors; CRT, in contrast, would say that race explains how we conceptualize terrorism.

Simply put, if you are critically thinking about race and law, then you are doing critical race theory. And that is the intent of the Isaac Moot: to encourage participants to dig deeper into how our legal structures maintain and perpetuate racial hierarchy in society.

The ultimate goal is to encourage creativity and imagination, hallmarks of CRT. With that in mind, participants should not feel pressured to follow any particular “methodology” or reach any particular “conclusion” in their arguments to remain faithful to CRT—indeed, CRT prescribes neither.



ABOUT JOSHUA

Joshua will be our moot problem writer.

Joshua has completed three judicial clerkships, two at the Supreme Court of Canada (for Justice Clément Gascon) and one at the Federal Court (for Justice Donald J. Rennie, now of the Federal Court of Appeal). He also worked for two years as a litigator in commercial law, intellectual property law, and constitutional law at Blake, Cassels & Graydon LLP. He has expertise in public, constitutional, and criminal law.

Joshua's research and practice centres on marginalized communities, particularly sexual, gender, and racial minorities. His research theorizes the complex relationships amongst law, identity, and sexuality, while his practice explores the intersection of these relationships with public and constitutional law. He is a tireless advocate for minority rights.

Joshua is Trinidadian-Canadian, and was born in Calgary, Alberta. He practices remotely from New York City, where he conducts doctoral research at Columbia Law School theorizing law, identity, and sexuality. He previously completed an LL.M. at Columbia Law School, where he was a Harlan Fiske Stone Scholar, Fulbright Student, and Law Society Viscount Bennet Scholar.

Joshua is an aspiring legal scholar and an avid writer. He has authored several peer-reviewed publications and his scholarship has been cited by the Supreme Court of Canada, Federal Court of Appeal, and Federal Court, as well as in legal textbooks and other scholarly publications. He is passionate about translating the experience of minority groups into tangible legal claims.

HOW TO PARTICIPATE IN THE JULIUS ALEXANDER ISAAC MOOT

Contact Keihgan Blackmore at moot@blsacanada.com to register for the Moot or with any further questions.



Left to right: Kristen Kephals, Liam Thompson, and Novalee Davy. Novalee was the 2019-20 Moot Director, and Kristen and Liam (both UoFT) were the winning team.

01

Registration & Rules

All participating schools must submit the registration form and fee(s) of \$450 CAD for a team of four mooters (two appellants and two respondents), or \$550 CAD for a team of five to the BLSA Canada Moot Director (Keihgan Blackmore) by November 27, 2020.

Please note that this fee does not include hotel accommodations, should they be required. Further information about group rates for hotel rooms will be provided after registration.

Each applicant and respondent team will submit a factum. The Official Rules of the Moot, which will include submission dates, and the Moot Problem will be released in late October, 2020. The factums will be graded by a body of academics with expertise in the area of the Moot Problem.

02

The Moot

The Moot takes place over two days. It is typically held at the Ontario Court of Appeal, but will be held virtually over Zoom this year as a result of the Covid-19 pandemic.

Each team will have the opportunity to advocate before a panel of litigators, legal scholars and professionals, who will score each team over two preliminary rounds.

The teams with the highest scores in the preliminaries will advance to the final round. The two finalists will present their submissions before a panel of five Justices from various Canadian courts and compete for the winning prize.

03

Post- Moot Reception

After the final round, teams are invited to join BLSA at the post-Moot virtual reception, where the winners will be announced and the Best Team, Best Oral-ist, and Spirit of the Moot awards will be presented.

The reception will also feature a keynote speaker and remarks from BLSA and our sponsors.

International Opportunity

The first-place winner is invited to compete at the National Convention of the American National Black Law Students Association (NBLSA) Thurgood Marshall Moot Court Competition (TMMCC). The competitors in the TMMCC come from all across the United States, and must win regional competitions before moving on to the main event.

2019/20 PARTICIPANTS



Queens | LAW



BLSA x OCAA VIDEO FEEDBACK PROGRAM

THE ISAAC IS THE FIRST CANADIAN MOOT TO OFFER VIDEO REVIEW

In 2019-2020, BLSA Canada launched the Video Feedback program in partnership with the Ontario Crown Attorney's Association (OCAA). The program was inspired by real litigation training programs which Crown attorneys and many more participate in as part of their continuing education.

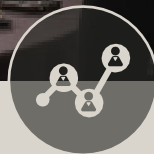
Through this program, students who choose to participate will have their oral arguments recorded at each stage of the competition. Mooters will then receive detailed feedback (on topics such as coherence of arguments, body language, eye contact, communication styles, etc.) from experienced litigators. Feedback will be delivered following the competition.

OCAA members are invited to participate as reviewers, and will also have the option to volunteer as mentors to mooters interested in criminal litigation as a career.



WHY THE ISAAC?

THE ISAAC PRESENTS A UNIQUE APPROACH, OUTSTANDING JUDGES, AND A WELCOMING SPACE.



A unique approach to mooting

The Isaac allows students to explore both theoretical and doctrinal arguments in a way that few Canadian moots do.

The thrust of a doctrine argument must be rooted in reference to traditional legal authorities, whereas the thrust of a theory argument is normative - it concerns what Canadian law should be, not what it is.

Outstanding Judges

Past judges have included:

The Honourable Michael Tulloch (Ontario Court of Appeal) The Honourable Anne Mactavish (Federal Court of Appeal) The Honourable Phillip Sutherland (Superior Court of Justice) The Honourable Irving W. André (Superior Court of Justice) The Honourable Daniel Dortéus (Quebec High Court) The Honourable Guylène Beaugé (Quebec Superior Court) The Honourable Valerie Miller (Tax Court of Canada) The Honourable Corrine Sparks (Nova Scotia Family Court) The Honourable Jean Whalen (Nova Scotia Provincial Court)

Advancing Diversity

The Isaac Moot presents students from a diverse background a uniquely welcoming mooting experience.

Our mooters and our judges come from a wide range of backgrounds - these may be the most diverse courtrooms the participants ever advocate in.

A PARTING NOTE

JOSHUA SEALY-HARRINGTON

THE STRUCTURE OF THIS MOOT MAY MAKE SOME PARTICIPANTS UNEASY,
OR UNCOMFORTABLE. MANY LAW SCHOOLS TEND TO
EMPHASIZE DOCTRINE, AND RARELY EXPLORE THEORY.

Khiara Bridges writes that “CRT is dedicated to the production of politically engaged scholarship.” This moot, relatedly, is dedicated to the production of politically engaged lawyers. And, more specifically, lawyers who are politically engaged with respect to questions regarding law and racial inequality.

The structure of this moot may make some participants uneasy, or uncomfortable. Many law schools tend to emphasize doctrine, and rarely explore theory. But certain forms of oppression simply cannot be fully understood by the limited imagination of traditional legal discourse.

The law, by its very nature, demands clear dispositions: a winner and a loser. Human thought and activity, in contrast, is anything but clear.

Racism is subtle. And race is vague. While this moot is unconventional, it is our hope that participants will lean into their discomfort, and begin to think more critically—and imaginatively—about race and law. It is only through critical theoretical thought, and active creativity, that deeper insights about racial hierarchy can be generated and explored.

Ultimately, the goal with this moot is for participants to work hard, think deeply, and have fun engaging with complex questions at the forefront of Canadian political and legal discourse. So, thank you for competing in the Isaac Moot. Your mere participation is a significant commitment to driving forward Canada’s developing racial discourse.



**WE LOOK FORWARD TO
SEEING YOU AT THE 2021
MOOT**

THANK YOU

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