

# JULIUS ALEXANDER ISAAC MOOT

**Moot Official Rules 2021 - 2022**



Black Law Students'  
Association of Canada

L'Association des étudiants  
noirs en droit du Canada

**The Julius Alexander Isaac Moot Official Rules  
2021- 2022 Black Law Students' Association of Canada**

**I. INTERPRETATION**

**A. Purposes and Objectives**

The Julius Alexander Isaac Moot (“Isaac”) is administered by the Black Law Students’ Association of Canada (“BLSA Canada”) through its appointed National Moot Director and National Moot Committee. The Isaac Moot is designed to allow law students develop and apply a critical race or anti-discrimination analysis in a litigation context. It provides participants with the opportunity to interact with jurists from all levels and practitioners from across Canada. The goal is to build a cadre of litigators who are able to advance critical race approaches in their legal practice and better serve the diverse Canadian public.

The Official Rules are designed to facilitate the fair and proper conduct of the competition and shall at all times be interpreted in accordance with these purposes and objectives.

**B. Interpretation of Rules**

1. Referees

There will be a panel of up to five referees available leading up to and during the competition, responsible for the interpretation and enforcement of the Official Rules. The BLSA Canada Moot National Director and Moot Committee shall serve as referees.

2. Rules

Any question that arises during the competition concerning the interpretation or enforcement of these Official Rules will be decided by a majority decision of the Referees. No other persons (e.g. Timekeepers, administrative assistants, Judges or others) have the authority to interpret the Official Rules. Any reliance by a team on direction provided by a person or persons other than the Referees will not prevent a penalty from being imposed if the Official Ruling of the Referees differs from that of such other person or persons. All Official Rulings are final and binding.

3. Additional Powers

The Referees may promulgate such other measures as they may deem advisable for the fair and orderly conduct of the competition, provided that these do not conflict with any of the Official Rules and are in the best interests of the Moot.

## **II. PROCEDURES AND GUIDELINES**

### **A. Jurisdiction of the Court**

The Moot is an appeal to The Diversity High Court of Canada. No decision of any Canadian Court, including the Supreme Court of Canada, is binding on the Diversity High Court of Canada.

### **B. Fact Problem**

The fact problem (“Official Problem”) upon which the Moot will be based, will be written or chosen by a legal academic or practitioner with established expertise in critical race theory or equality/social justice theory and practice. The subject matter will raise issues of racism and other equality matters that are of timely interest. The Official Problem will be delivered to all participating schools.

### **C. Clarification**

#### 1. Official Problem

Participants may submit requests for clarification of matters that are unclear in the Official Problem as required to enable them to submit a proper argument. Such requests must be made in writing to the National Moot Director. Direct communication with the other Referees, including the author of the Official Problem, is not permitted. The request for clarification must include a brief explanation as to why the clarification is necessary for a proper understanding and development of the legal issues involved. Requests for clarification shall be answered selectively, at the discretion of the Referees and the author(s) of the Official Problem. Any answers will be distributed to all participating teams. Requests for clarification will be received by Friday November 26, 2021. Any requests made after that date may not be acknowledged or may be subject to penalties at the discretion of the Referees.

#### 2. Official Rules

Participants may submit requests for clarifications regarding the Official Rules by Friday November 26, 2021. Such requests must be made in writing to the BLSA Canada Moot Administrator. It must include a brief explanation of why the clarification is necessary. Requests for clarification will be forwarded to the Referees for their consideration. Such requests shall be selectively answered, at the discretion of the Referees. Any answers will be distributed to all participating teams. Any requests for clarification after the deadline may be subject to penalties.

## **D. Eligibility**

Any law school recognized by the Federation of Law Societies, accredited by the American Bar Association or their equivalents in other jurisdictions are entitled to send up to two teams to the competition. Graduate students registered in that program are eligible at the discretion of the law school. No team can be comprised of members from more than one law school.

A team shall consist of 4 students being two team members for the Moving and Responding party, respectively. Students are not permitted to switch roles between the Moving and Responding Parties. Teams can include an additional member, at its discretion, as “counsel” who would have full participatory rights.

## **E. Application**

All participating schools must submit an application form and fee per team no later than Friday November 5, 2021 on the BLSA Canada Website and with their form to the BLSA Canada Moot Director unless otherwise permitted by the Administrator.

## **F. Team Identification**

Each team in the competition will be assigned an identification code by the National Moot Director. This identification code must be used on all Facta and at all times during the competition. Neither the personal name of the participants or the school name shall appear on any submissions, on the person (such as name tags or insignia) or be referenced during the competition itself. The names of the team participants are not to appear on the Facta. The Facta are not to be signed with any geographic identifiers. Failure to comply with these requirements may result in a penalty, up to and including disqualification.

## **G. Outside Assistance**

1. No person or persons other than the team members may participate in the preparation or presentation of any aspect of the team facta or oral arguments. The team facta (including research, interpretation, drafting and editing) and the oral arguments of each mooter must be the work of the team members only.

2. Notwithstanding subparagraph (1) above, it is permissible for team coaches, faculty members and others to discuss in general terms the issues raised in the Official Problem, to suggest possible research sources, and to provide instruction relating generally to advocacy techniques and the preparation of persuasive oral and written arguments. Any persons acting as judges in oral argument “practice rounds”

shall be advised both orally and in writing by the team of the requirement that such “practice rounds” must so confine their comments and feedback.

3. In circumstances where there are two teams from the same school, collaboration between and amongst both teams and their coaches is permitted, subject to the general caveats of this section.

4. Teams shall not conduct “practice rounds” in front of persons who will be judges in the current year’s moot. It is the responsibility of teams to make such inquiries of potential “practice round” judges as necessary to comply with this rule. Teams shall submit a final list of all judges from the “practice rounds” to the BLSA Canada Moot Coordinator prior to the competition. In addition, no team shall request that persons serving as authors of the Official Problem or Facta Evaluators assist with “practice rounds” or otherwise assist in the team’s preparation. Representatives of the Moot sponsor, may serve on “practice rounds” but their participation would prevent

### **III. FACTA**

#### **A. Required Facta**

Each team shall prepare an Appellant’s Factum and Respondent’s Factum.

#### **B. Form**

##### 1. General

Each Appellant’s factum and Respondent’s factum shall consist of:

- a) Cover page limited to the following details: the name of the court appealed to; the style of cause; the title of the document (i.e. “Factum of the Appellant” or “Factum of the Respondent”); and the team identifier.
- b) Table of Contents setting out the headings used in Part I – IV of the factum
- c) Part I – Overview;
- d) Part II – Statement of Facts (a concise statement of facts by the Appellant or a statement by the Respondent of their position with respect to the Appellant’s statement of facts, together with a concise statement of such other facts considered relevant;
- e) Part III – Statement of Points in Issue;
- f) Part IV – Argument;
- g) Part V – Order(s) Sought (a concise statement of the order(s) desired);
- h) Part VI – List of Authorities and Statutes to be referred to (the full text and/or copies of statutes, regulations, or other reference materials should not be included in Part VI); and
- i) A blank back page.

## 2. Length

Part I to V of the factum will be no more than twenty (20) pages in total length. The papers of the factum shall be numbered with continuous Arabic numerals beginning at Part I and ending on the final page of Part VI.

## 3. Spacing

Part I to V of the factum must be double spaced; except for: (i) references, footnotes, and titles more than one line in length, which may be single spaces; and (ii) quotations of fifty (50) words or more, which may be single spaced and shall be indented 1/2 additional inches on both the left and right margins. All portions of the factum other than Parts I to V may be single spaced.

## 4. Type

All parts of the factum, except the cover page, and including the footnotes, shall be in Times New Roman 12-point font.

## 5. Printing and Page Format

Electronic copies of the Facta must be submitted in Microsoft Word format. Hard copies of the facta shall not differ from the electronic copy submitted. Any tracked changes must be removed from the electronic copy. Hard copies shall be printed on white paper, 8.5 x 11 in size, and must be fastened by cerlox binding.

**Margins:** each page of the factum shall have margins of at least 1 inch on all sides excluding page numbers.

**Colours of cover and back pages:** the cover page and back page of the Appellant's factum shall be on buff/beige paper. The cover page and back page of the Respondent's factum shall be on blue paper.

## 6. Citations

All citations shall be made in accordance with the *Canadian Guide to Uniform Legal Citation*, which is the Official Citation Guide adopted by BLSA Canada.

Should a provision of the *Canadian Guide to Uniform Legal Citation* conflict with any Official Rule herein, the Official Rule shall prevail.

### **C. Submission of Facta**

Each team must also deliver electronic copies of the Appellant's and Respondent's facta in PDF and Microsoft Word format (.doc or docx file extension) via email to **moot@blsacanada.com** by **4:30PM EST** on **Tuesday, January 4th, 2022** electronic facta must be labeled and submitted with the anonymous identifier provided by the National Moot Director in the following format: **"Team [insert identifier code] Appellant Factum"** and **Team [insert identifier] Respondent Factum**.

### **D. Revision of Facta**

No team shall revise, add, delete or in any manner alter its facta after submission.

### **E. Ownership of Facta**

All rights with respect to the facta remain with the team save for the entitlement of BLSA Canada to electronically post on its website and communicate orally and in writing with reference to its authors or anonymously, at its discretion, with direct relevance to the Isaac Moot Competition in the year it was submitted.

## **IV. ORAL ARGUMENT**

### **A. Procedure**

#### 1. Rounds

The competition shall consist of preliminary rounds of oral argument, followed by a final round between the two highest ranking teams. The team standings will be determined according to the Rule VI, below. Every effort will be made to have no team meet any other team more than once prior to the final round.

#### 2. Argument

Any team member may act as an oralist during any round. Eligibility for the oralist award is dependent upon having argued at least twice during the competition. Only two oralists may argue during any single round.

#### 3. Time

Each team shall be allowed forty-five (45) minutes per round for oral argument. This time limit may be extended by the Judges in their discretion to a maximum of ten (10) minutes per round. No single oralist shall argue longer than twenty-five (25) minutes of the forty-five (45) minutes given to each team.

Included in the forty-five (45) minutes is a reply for the Appellant. Prior to the beginning of each round, the Appellant may reserve time for reply; no more than ten (10) minutes may be reserved. Respondents are not entitled to make a sur-reply and shall not reserve time for a sur-reply. If the Judges in their discretion extend total team time beyond forty-five (45) minutes, then and only then may an oralist argue longer than twenty-five (25) minutes.

#### 4. Judges

The Judging panels shall consist of justices, lawyers and/or law professors. A panel of three (3) Judges shall be utilized whenever possible for the preliminary rounds. The number of Judges for the final round, normally five (5), shall be at the discretion of BLSA Canada.

Judges in the preliminary and final round are encouraged to provide feedback to participants regarding their performance at the completion of rounds of oral argument if time and scheduling permits.

When addressing a Judge, mooters shall call the Judge "Justice [surname]".

#### **B. Counsel**

During each round, one other team member may sit as counsel at the counsel table with the two oralists. The person acting as counsel must be one of the team members.

#### **C. Scope of Argument**

The scope of a participant's oral argument is not limited to their factum. The scope of the Appellant's reply *is* limited to the scope of the Respondent's oral argument.

#### **D. Scouting Prohibited**

It is prohibited for team members to attend the rounds of opposing teams against whom they will argue. Deliberate scouting of opposing teams will be considered unsporting behavior and may result in penalties under section VI, below.

No taping of oral arguments will be allowed under any circumstances except with the advance permission of the Referees and the two participating teams. It is incumbent on teams to inform the colleagues from their schools. Penalties may be incurred by the team for taping by members of their school.

#### **E. Courtroom Communication**

Oral and written communication may take place between the counsel table and an oralist while the oralist is presenting their argument.



No oral or written communication may take place between the counsel table and any coach, spectator or team member who is not at that counsel table during the round.

No materials of any kind may be submitted directly to the Judges by team members, including during oral argument.

## **F. Electronic devices**

Devices such as laptops, iPad or tablet computers are permitted at the counsel table for the purposes of: (a) taking notes; and (b) for counsel's reference to notes, submissions and authorities that were prepared or compiled in advance of the oral argument round.

No electronic device of any kind shall be used by any team member at counsel table during the oral argument round to access the Internet, to communicate with any individual, or to otherwise search for any content or authorities not prepared or compiled in advance of the round. Any device capable of connecting to the internet shall have its send/receive functions turned off for the duration of the oral argument.

## **G. Spectators**

As we are in a fluid situation with the pandemic, the competition will be closed to the public. Spectators will be restricted to team members, coaches and volunteers. If this is changed, all participants will be notified.

## **H. Robes**

Robes are not to be worn by the participants during the competition. However, business attire is required.

# **V. PENALTIES**

## **A. Procedure**

### 1. General

The Referees, on their own initiative or upon receiving a complaint, may assess a penalty for any violation of the Official Rules. The Referees shall make every effort to allow the team(s) or individual(s) accused of Official Rules violations to submit a response prior to the penalty determination. Following such reply, an Official Ruling shall be made by the Referees from which no appeal may be taken. The Official Ruling, which shall be prepared at the first reasonable opportunity, will inform the team(s) involved of the penalty. The Referees shall provide oral or written reasons at their discretion.

## 2. Complaints

Complaints pertaining to oral argument or other violations of these Official Rules must be reported immediately or at the first reasonable opportunity.

Any violations of the Official Rules occurring during oral argument that is not brought to the attention of the Referees immediately following the round will not be considered by the Referees and cannot result in the assessment of penalty points against the violating team.

A request to the Judges for a ruling on a breach of the Official Rules is not appropriate and may result in an assessment of penalty against the requesting team.

## **B. Quantum**

### 1. General

The number of penalty points to be assessed against a team for a violation of the Official Rules will be at the discretion of the Referees. The Referees shall make every effort to assess penalties in a fair manner with regard to maintaining the integrity of the competition. In considering the quantum of penalty, the following factors will be taken into account:

- a) prejudice caused to the other teams in the competition;
- b) advantage gained as a result of the Official Rules violation;
- c) inadvertence or misadventure;
- d) occurrences beyond the control of the team(s) or individual(s) concerned;
- e) inconvenience caused to the organizers and to the other teams involved; and
- f) all the circumstances surrounding the violation including any reply submitted pursuant to paragraph A (1) above

### 2. Late Facta Submission

The quantum for a penalty in the case of a factum submitted later than the deadline will normally be assessed at two (2) points per day.

**An Appendix A with Information on Scoring will soon be provided.**

## **NBLSA THURGOOD MARSHALL MOOT COURT COMPETITION 2021 - 2022**

This year once again as we did not for the 2021 Isaac Moot; BLSA Julius Alexander Isaac Moot has an invitation to our first place winner to compete at the National Convention of the NBLSA Thurgood Marshall Moot Court Competition (TMMCC).

NBLSA (the National Black Law Student Association) is one of the largest student-run organizations in the United States. The organization was formed to articulate and promote the needs and goals of Black law students to effectuate change in the legal community.

The top three placing teams from each of the six US regional conventions will be invited to compete at the National Convention, as well as the first-place winner of the BLSA Canada Isaac Moot. The BLSA Canada team will have the choice whether to compete in the NBLSA Moot. Participation in the NBLSA Moot is not mandatory.

The NBLSA Moot will take place in early March of 2022 at the NBLSA Convention during the 53<sup>rd</sup> NBLSA National Convention. Discussions are still taking place on whether the NBLSA Moot will be held virtually. Participants will be updated when information has been given. There will also be opportunities for competitors to participate in the convention events throughout the weekend.

The NBLSA Moot problem is used through regionals up until and during the Nationals. Therefore, the BLSA Canada team will receive the Moot problem at the same time as the other US teams during Regional preliminaries. This will mean that the BLSA Canada team will have their own Moot problem as well as the NBLSA problem and will have the responsibility of allocating their time accordingly. Should the BLSA Canada first-place team choose to participate, they should be reminded that they will be mooting against renown teams such as Harvard, Yale, Columbia, Georgetown etc.

BLSA Canada will notify its team members whether the NBLSA Moot requires teams to only submit oral arguments or if they will also need to submit written arguments, as this will affect the amount of work our BLSA finalist will have to dedicate toward the NBLSA Moot.