

The Black Law Students'  
Association of Canada

JULIUS  
ALEXANDER  
ISAAC MOOT  
2024



Thursday, February 1<sup>st</sup> - Saturday, February 3<sup>rd</sup>  
Ontario Court of Justice- Feb 1<sup>st</sup>-2<sup>nd</sup>  
Ontario Court of Appeal- Feb 3<sup>rd</sup>





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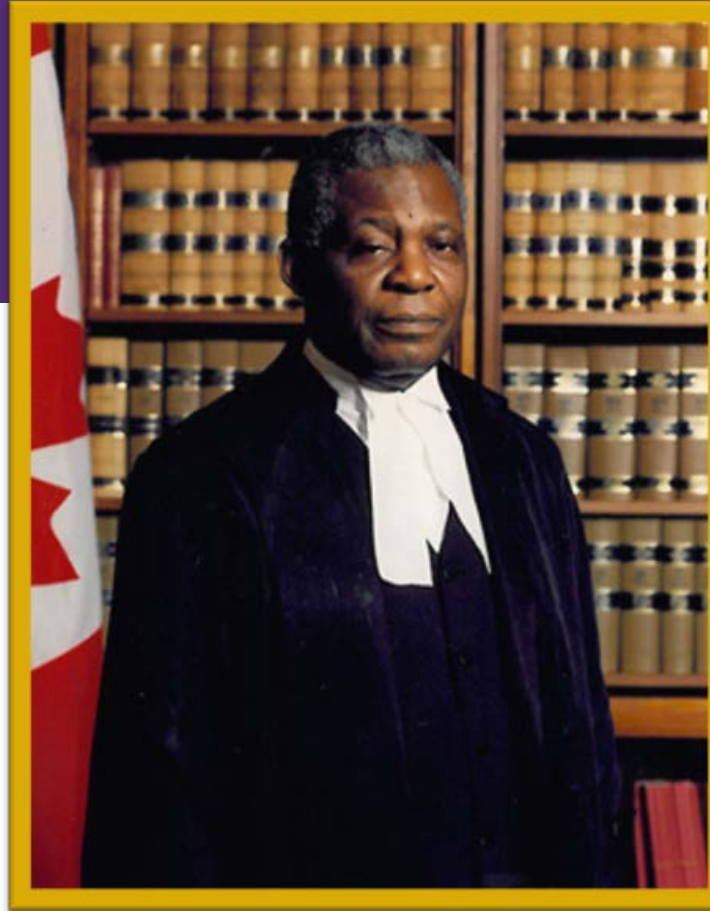
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# About The Moot

The Black Law Students' Association of Canada (BLSA Canada) has hosted the Julius Alexander Isaac Moot each year for the past sixteen 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 Moot is the only for-credit moot in Canada which encourages law students to apply critical race theory 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.



# Meet the Team



**Desron Harry**  
National Chair  
3L Ottawa



**Cindy Kamau**  
Moot Director  
2L Osgoode



**Husoni Raymond**  
National President  
3L Osgoode

## About BLSA Canada

Founded in 1991, the Black Law Students' Association of Canada (BLSA Canada) is a national, student-run non-profit organization. BLSA Canada 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.

BLSA Canada and its chapters at law schools nationwide are concerned with challenges faced by the black community as they relate to the legal system. Launching various initiatives to promote increased representation of racially diverse students in law schools and assist in facilitating their success are a priority. We are proud to provide opportunities for formal and informal discussions about many subjects including legal policy issues, effective career strategies, evolutions in substantive law and access to justice for marginalized groups.

# About our first Moot Crafter



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 ensured that the Moot exceeded 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".



# About our Moot Writer

Joshua Sealy Harrington 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. He is currently an Assistant Professor at Ryerson University's Lincoln Alexander School of 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.

# What is Critical Race Theory?

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 CRT 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 ArabAmericans 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.



# Isaac Moot Participation Details

## Moot Dates and Location

The Preliminary Rounds of the Moot will be held at the Ontario Court of Justice February 1<sup>st</sup> - 2<sup>nd</sup>, 2024. The Final Round of the Moot will be held at the Ontario Court of Appeal on Saturday February 3<sup>rd</sup> 2024.

## Duty to prioritize Black law students in team selection

In keeping with the original intent of the founders of the Isaac Moot, BLSA Canada would like to strongly emphasize that preference and priority should be given to Black law students when selecting your moot team. If your school is unable to have at least one self-identifying Black law student on its team (due to a lack of Black applicants or any other reason), please contact the Moot Director.

## Important Dates

**Moot Registration opens September 28, 2023 and closes October 31, 2023.  
Early Registration is highly recommended.**

Thursday, September 28, 2023  
Online Registration Opens

Monday, November 6, 2023  
Official Moot Package sent to Participant

Thursday, October 12, 2023 (or earlier)  
Moot Question Released

Thursday, February 1, 2024 - Saturday, February 3, 2024  
Moot Completion

Tuesday, October 31, 2023  
Deadline for Online Registration

Saturday, February 3, 2024 Isaac Moot Gala & Award Ceremony at TBD.

# Open CRT Lecture

BLSA Canada, in collaboration with a Canadian Law Professor, will host an open CRT lecture that will provide an introductory overview of Critical Race Theory.

## Registration and Rules

Each appellant and respondent team will submit a factum. The Official Rules of the Moot which will include submission deadline and the Moot Problem will be released mid October 2023. The factums will be graded by a body of academics with expertise in the area of the Moot Problem.

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, Cindy Kamau, at [moot@blsacanada.com](mailto:moot@blsacanada.com).

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.

Contact Cindy Kamau at [moot@blsacanada.com](mailto:moot@blsacanada.com) to pre-register for the Moot or if you have any questions or concerns.

## The Moot

The Moot takes place over three days and is held at the Court of Appeal for Ontario (130 Queen St W, Toronto, ON M5H 2N5). The Preliminary Rounds of the Moot will be held at the Ontario Court of Justice (10 Armoury Street, Toronto, ON M7A 0B9).

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.



## Post-Moot Reception

After the final round, **all moot participants** are invited to join BLSA at the post-Moot reception, where the winners will be announced and the Best Team, Best Oralist, and Spirit of the Moot awards will be presented. The reception will be held at TBD, and will feature a keynote speaker and remarks from BLSA and our sponsors. Refreshments will be provided.

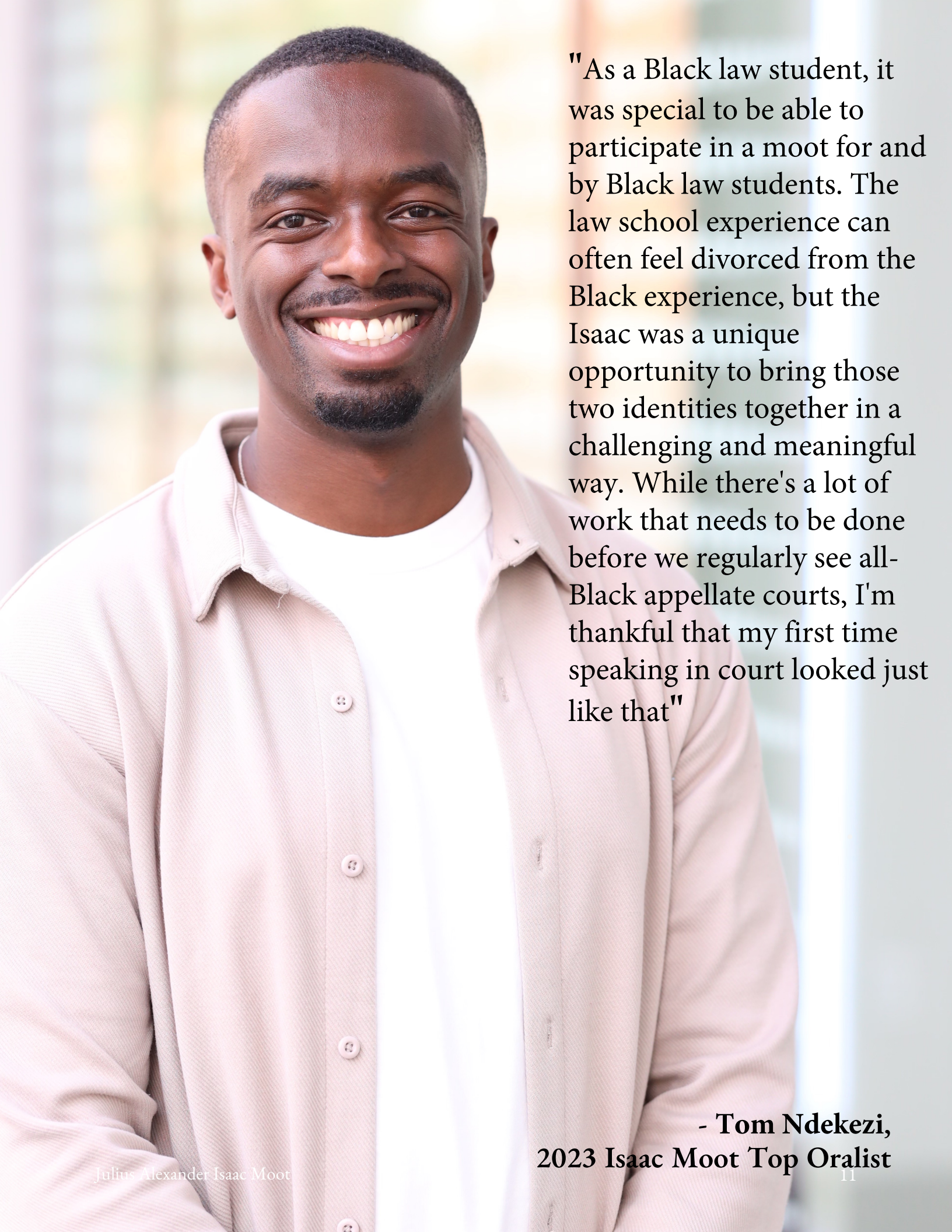
**International Opportunity:** The first-place winner is invited to compete at the National Convention of the American National Black Law Students Association (NBLSA) Thurgood Marshall Moot Court Competition (TMMCC). The competitors in the TMMCC come from all across the United States, and must win regional competitions before moving on to the main event. It will be held sometime in March 2024, in person. Location is still pending and information relating to location will be sent later this year



# 2022/2023 Past Participants







"As a Black law student, it was special to be able to participate in a moot for and by Black law students. The law school experience can often feel divorced from the Black experience, but the Isaac was a unique opportunity to bring those two identities together in a challenging and meaningful way. While there's a lot of work that needs to be done before we regularly see all-Black appellate courts, I'm thankful that my first time speaking in court looked just like that"

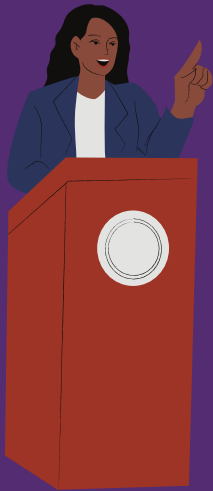
**- Tom Ndekezi,  
2023 Isaac Moot Top Oralist**







# What makes us different



## A Unique Approach to Mooting

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.

## Outstanding Judges

The 2024 judges include:

Hon. Michelle O’Bonsawin - Supreme Court of Canada

Hon. Michael Tulloch - Chief Justice of the Ontario Court of Appeal

Hon. Philip Sutherland - Ontario Superior Court of Justice



## Advancing Diversity

The Isaac Moot 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.



# A parting note from Professor Joshua Sealy-Harrington



“The structure of this moot may make some participants uneasy or uncomfortable. Many law schools tend to rarely emphasize or explore critical race 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 2024 ISSAC MOOT!

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The Black Law Students' Association of Canada

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2024

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