Black Law Students' Association of Canada

L'Association des étudiants noirs en droit du Canada

# Julius Alexander Isaac Moot

## Moot Official Rules 2024 - 2025

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# I. INTERPRETATION

## A. Purpose and Objectives

The Julius Alexander Isaac Moot ("Isaac Moot") 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 to develop and apply a critical legal analysis (e.g. critical race theory) 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 will be 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. 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 National Moot Director, National Chair, and Moot Committee shall serve as referees (the "**Referees**").

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.

Directions provided by a person(s) other than the Referees will not be binding, and may lead to the imposition of penalties should the Official Ruling of the Referees differ from that of such other person or persons.

The Referees may promulgate such other measures as they may deem advisable for the fair and orderly conduct of the competition, if these do not conflict with any

of the Official Rules, are consistent with the purpose and objectives of the Isaac Moot (as described above), and are in the best interests of the Isaac Moot.

### C. Official Timetable

Pursuant to the Official Rules, the **"Official Timetable"** shall be the compendium of all relevant deadlines within the Isaac Moot, as designated or approved by the National Moot Director from time to time. The Official Timetable shall form an appendix (Appendix D) to these rules and be held as equally binding upon all participants in the Isaac Moot, unless such timetable is otherwise amended by the National Moot Director. The Official Timetable shall be publicly released on the BLSA Canada website or communicated directly to participating law schools by the National Moot Director prior to the opening of registration for the Isaac 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. Nonetheless, lower court decisions are considered persuasive authority according to the established hierarchy of precedents in Canadian law (e.g. higher court decisions are more persuasive than lower court decisions). Teams are required to engage with relevant precedent by advancing arguments that either support or challenge its application, distinguish it, or persuade the court to overturn it.

### B. Eligibility of Law schools

Any law school recognized or accredited by the Federation of Law Societies of Canada, the American Bar Association or their equivalents in other jurisdictions is eligible to enrol teams in the competition.

### C. Application to participate

All participating schools must submit the required registration materials and fees following the method and dates specified on the BLSA Canada website and in the Official Timetable, respectively, unless otherwise permitted by the National Moot Director.

## D. Composition of a Team

### *1. General Team Composition*

Each participating school shall send a team of four (4) students, designating two (2) students to represent the Appellant and two (2) to represent the Respondent, unless an exception has been approved by the National Moot Director.

No team can be comprised of members from more than one law school. Graduate students registered in that program are eligible at the discretion of the law school.

The participating school shall prioritise the selection of Black students when forming a team. If a team of four does not have a Black student member, they must notify the National Moot Director, who may, at their discretion, grant permission for the team to participate.

### *2. Researcher*

Each team may have a researcher. The researcher may assist with all aspects of preparation for the moot. However, the researcher can only participate in oral arguments if one of the mooters is unable to compete in the moot. The team must notify the National Moot Director as soon as reasonably possible of any change in mooting participants.

### *3. Coaches*

A team of four (4), or five (5), if the team chooses to add a researcher, may have up to a maximum of two (2) coaches. A team of two (2), or three (3), if the team chooses to add a researcher, may have one coach.

Individuals are ineligible to serve as judges during a moot in which they have coached any participants.

## E. Ineligibility for Moot Participation

### *1. BLSA Canada Directors*

As BLSA Canada organises the Moot, there may be a perceived or actual conflict of interest of National Executive Board members (“Directors”) choosing to participate in the Moot. *Therefore, no Director may participate in a Moot Team,*

*unless written approval is granted by the National President and National Moot Director*. Such approval shall consider operational capacity, perceived or actual conflict of interest, and the Moot's reputability.

Notwithstanding the exception above, the following Directors are ineligible for an exception and may never participate on a team due to their operational roles in the Moot: *the National President, National Chair, National Moot Director, National Secretary, National Treasurer, National Sponsorship Director, and National Communications Director*, or as their successor positions may be otherwise named.

This rule balances potential conflict of interest with the facilitation of meaningful growth opportunities for directors as Black law students.

### *2. Moot Committee*

No member of the National Moot Committee may participate in, coach, or serve as a practice round judge for a moot team.

## F. Outside Assistance Prohibited

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

Notwithstanding the 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.

## G. Practice Round Judges

Teams may conduct "practice rounds" in front of persons who will be Judges in the upcoming moot. Teams shall submit a final list of all judges from any past and anticipated "practice rounds" to the National Moot Director by the date specified in the Official Timetable. Any individuals who act as judges for the Isaac Moot who also act as "practice rounds" judges shall not judge the team they judged in any

"practice rounds" in the competition.

Teams shall not request that persons serving as authors of the Official Problem or Factums Evaluators assist with "practice rounds" or any other aspect of the team's preparation.

Any comments or feedback provided by official moot Judges acting as judges in oral argument "practice rounds" shall be limited to discussing in general terms the issues raised in the Official Problem, suggesting possible research sources, and providing instruction relating generally to advocacy techniques and the preparation of persuasive oral and written arguments. Teams shall advise any persons acting as judges in their "practice rounds" of this requirement orally and in writing.

## H. Fact Problem

The fact problem (the "**Official Problem**") upon which the Moot will be based shall 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.

## I. Request for Clarification

### 1. *Official Rules*

Participants may submit written requests for **clarifications regarding the Official Rules by the deadline specified in the Official Timetable** to the National Moot Director. Requests for clarification must include a brief explanation of why the clarification is necessary. Requests for clarification shall be answered selectively, at the discretion of the Referees. Any answers will be distributed to all participating teams. The acknowledgment of any requests for clarification after the deadline is subject to the discretion of the Referees.

### 2. *The Official Problem*

Participants may submit written requests for **clarifications on matters that are unclear in the Official Problem by the deadline specified in the Official Timetable** to enable them to submit a proper argument. Requests must include a brief explanation of 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. Such requests must be sent to the National Moot Director by the deadline specified in the Official Timetable. The acknowledgement of any requests for clarification after this deadline is subject to the discretion of the Referees.

Direct communication with the other Referees, including the author(s) of the Official Problem, is not permitted.

## J. Team Identification

Each team in the competition will be assigned an anonymous identification code by the National Moot Director. This identification code must be used on all factums and at all times during the competition.

Participants' names and schools shall not appear on any person(s) (including via name tags or insignia) or factum submissions (including comments electronically left on the documents or geographic identifiers), nor shall they be referenced during the competition itself. Failure to comply with these requirements may result in a penalty, up to and including disqualification.

## III. FACTUMS

### A. Factums Required

Each team of four (4) or five (5) shall prepare an Appellant's Factum and a Respondent's Factum. Teams of two (2) or three (3) that have been approved by the National Moot Director shall prepare either an Appellant's Factum or a Respondent's Factum, to be determined by the Referees.

### B. Form

#### 1. *General*

Each Appellant's factum and Respondent's factum shall use the following format:

| **Cover page** |
|---|
| This cover page shall be in the same format as a factum at the Supreme Court of Canada and include the items listed below. However, "Supreme Court of Canada" should be changed to "Diversity High Court of Canada".<br>● Name of the court appealed to;<br>● Style of cause;<br>● Title of the document (i.e. "Factum of the Appellant" or "Factum of the Respondent"); and<br>● Team identifier. |
| **Table of Contents** |
| The table of contents shall set out the headings used in Parts I – V of the factum. |
| **Part I - Overview** |
| This section shall contain a brief summary of the issues and arguments. |
| **Part II – Statement of Facts** |
| This section shall contain a concise statement of the relevant facts. |
| **Part III – Statement of Issues** |
| This section shall contain a concise statement of the issues under appeal. |
| **Part IV – Argument** |
| This section shall contain at least one doctrinal argument and at least one critical race theory argument. |
| **Part V – Order(s) Sought** |
| This section shall state the relief sought. |
| **Part VI – List of Authorities and Statutes** |
| This section shall list the authorities and statutes relied upon or referred to. |
| **Blank Backpage** |

**2. *Length***

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

**3. *Spacing***

Parts 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-spaced, 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. Headings and subheadings should be bolded.

**5. *Format***

Electronic copies of the Factums shall be submitted in Microsoft Word and PDF format. PDF factums must have bookmarks and a hyperlinked table of contents. **Please do not submit hard copies.**

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

**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. There is no need to make any references to the *Supreme Court Act* or *Rules*. 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 Factums

Each team shall deliver electronic copies of the Appellant's and Respondent's Factums in PDF and Microsoft Word format (.doc or docx file extension) by the deadlines specified in the Official Timetable.

Electronic factums must be labelled 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 Factums

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

## E. Ownership of Factums

All rights with respect to the factums remain with the team. However, BLSA Canada is entitled to share the factums at its discretion, including electronically posting on its website and communicating orally and in writing with reference to its authors or anonymously, for the purpose of the administration of the Isaac Moot.

# IV. ORAL ARGUMENT

## A. Rounds

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

### *1. Preliminary round*

#### *1.1 Winners*

The winners of the preliminary rounds shall be the “top Appellant” teams and the “top Respondent” teams as determined by calculating the Total Factum Score and the Total Oral Argument Score from the preliminary rounds.

In the event of a tie, the team with the higher Total Oral Argument Score will advance to the final round.

#### *1.2 Timing*

Each team shall be allowed fifty (50) minutes per round for oral argument. No single oralist shall argue longer than twenty-five (25) minutes of the total time allotted to each team. If requested by the oralist, this time limit may be extended by the Judges, at their discretion, to a maximum of five (5) minutes per round.

Prior to the beginning of each round, the Appellant may announce their decision to reserve no more than five (5) minutes of the Appellant’s total fifty (50) minutes for reply. A time card will be displayed when there are five (5) minutes remaining for oral arguments. For greater clarity, there is no right to reply where an Appellant has reserved time for reply but has exhausted their 50 minutes during their initial arguments. Respondents are not entitled to make a sur-reply and shall not reserve time for a sur-reply.

### *2. Final Round*

#### *2.1 Winners*

The top Appellant team and the top Respondent team shall advance to the final

round to moot against each other.

No school shall have more than one team of two in the final round. If the teams that advance to the final round are from the same school, only the team with the higher score will advance, and the next highest Appellant or Respondent team shall replace the team with the lower of the two scores, as the case may be.

### *2.2 Timing*

With the exception of one counsel for the Appellant, each counsel shall be allowed fifteen (15) minutes for oral argument, including questions. Each Appellant's counsel shall present their arguments consecutively, followed by each Respondent's counsel.

Following the oral argument of the second counsel for the Respondent, one counsel for the Appellant shall be permitted an additional five (5) minutes for Reply. Respondents are not entitled to make a sur-reply and shall not reserve time for a sur-reply.

## B. Judges

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

Judges in the preliminary and final rounds 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]".

In extraordinary circumstances and with special permission of the National Moot Director, two-member judging panels may be utilised for judging oral arguments. In awarding points for the oral arguments, a hypothetical third Judge's score will be created by adding an amount of points equal in number to 50% of those given by each of the two-panel members. For example, on a two-Judge panel, if Judge A awarded an argument 82% (41/50) and Judge B awarded it 90% (45/50), the hypothetical assessment would be 86% (43/50).

### C. Counsel

During each round, the researcher may sit as counsel with their team of Appellants or Respondents, as the case may be.

### D. 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.

### E. 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 behaviour and may result in penalties under Part 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.

### F. 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.

### G. Electronic devices

Devices such as laptops, tablets or smartphones are permitted at the counsel table or the podium for the purposes of:

a) taking notes; and

b) timekeeping; and
c) 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 the 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.

## H. Spectators

The competition will be open to spectators from all participating law schools and other invited guests approved by BLSA Canada. Spectators must inform the National Moot Committee of their anticipated attendance by the deadline specified in the Official Timetable pursuant to court security requirements.

## I. Attire

Participants should wear business attire during the moot. Robes are not permitted to be worn by moot participants.

## J. Privacy

By participating in the Isaac Moot, every team and participant agrees that information regarding their participation in the Isaac Moot, including results, photographs taken at the competition, recordings of the competition rounds, and related events, may be posted on the competition's website and social media.

# V. SCORING

## A. Anonymity

Strict anonymity of school identity shall be ensured as far as possible. Teams shall be identified through the rounds only by their assigned identification number, not by school name.

## B. Factum Evaluation

Each factum will be marked by multiple factum Judges.

Graders will decide on a score for each factum based on scoring criteria detailed in Appendix A – Individual Factum Marking Sheet. The substantive merits of the case shall not be considered in judging the factums.

Each factum Judge shall assign a score between a minimum of twenty-five (25) and a maximum of fifty (50) to each team's factum (the "**Individual Factum Score**"). The Individual Factum Scores shall be added to create a total team score (the "**Raw Factum Score**"). The average of the Raw Factum Score of the team will be the total factum score, out of one hundred (the "**Total Factum Score**").

*For example:* If 3 graders each score a factum 60%, 75%, and 67%, the Raw Factum Score is 202. After dividing 202 by 3 (number of individual factum scores), the total factum score is 67% out of 100.

Only whole numbers will be used in the scoring. Raw factum scores with decimals below 0.7 will be rounded down, and those of 0.7 or higher will be rounded up. The factum score for each team will not be disclosed to the Judges of the oral argument rounds.

## C. Oral Argument Evaluation

Each mooter is scored out of 50 for their oral arguments by each of the Judges on the panel based on the scoring criteria detailed in Appendix B & C – Appellant and Respondent Oral Argument Marking Sheets. The substantive merits of the case shall not be considered in judging the oral argument.

A score between a minimum of twenty-five (25) and a maximum of fifty (50) (inclusive) will be assigned to each mooter by each of the judges (the "**Individual Oral Argument Score**").

The Individual Oral Argument Scores of each member of the appellant or respondent team shall be combined for a team score out of 100 (the "**Raw Oral Argument Score**"). The average of the Raw Oral Argument Score of the (3) panel judges will be the total oral argument score of each team for each round (the "**Total Oral Argument Score**").

Only whole numbers will be used in the scoring.

### *1. Questions during oral argument*

A moot is not a public speaking contest. Judges are encouraged to question oralists during their submissions while bearing in mind the time constraints and importance of affording oralists the opportunity to make their arguments.

### *2. Feedback following oral argument*

Judges should tentatively score each oralist at the conclusion of their oral presentation. At the conclusion of the arguments, Judges may, in their discretion, provide short general comments from the bench about the performance of teams in the round. Following the oral argument, the Judges shall then retire to deliberate. Judges shall have 10 minutes to deliberate. They shall then individually mark scoring sheets for each mooter on the Appellant and Respondent teams without comparisons to the scoring sheets of their fellow Judges .

Judges are also asked to carefully complete the individual feedback sections at the end of the team score sheets, which will be delivered to each mooter at the close of the competition. Mooters value these personal comments as a very important part of the learning process. Judges are encouraged to be as specific as possible. Judges may provide their names on the scoring sheet.

The Judges do not return to the courtroom to declare a winner; however, they may return to give reasons or to comment orally on the performance of the teams if time permits.

## D. Selection of Awards

### 1. *Champion of the Isaac Moot*

The winner of the final round, as determined by the final round judges, will be the champion of the Isaac Moot.

### 2. *Total Combined Score*

The final score for each team will consist of a combination of the Total Factum Scores (out of 100) and the Total Oral Argument Scores (out of 100) from the preliminary rounds (the "**Total Combined Score**").

Following the completion of all preliminary rounds, the teams will be ranked from highest to lowest based on the Total Combined Score.

### 3. *Second, Third and Fourth place*

The team that lost in the final round of the moot shall be announced as the 2nd place team.

The school with the Appellant or Respondent team with the third and fourth highest Total Combined Scores shall be announced as the 3rd and 4th place teams, respectively. A participating school shall not occupy more than one position in the first, second or third ranking.

In the event of a tie of the Total Combined Score between two teams, the team with the highest Total Oral Argument Score from the preliminary rounds shall be ranked higher. In the event of a tie for the highest Total Oral Argument Score, the team with the highest Total Factum Score from the preliminary rounds shall be ranked higher.

### 4. *Discretion to resolve tie*

If two teams are still tied after comparing scores by applying rule 3 above, the Referees will review the Individual Oral Argument scores, and the tie will be decided by a team's highest score from either preliminary round.

### 5. *Top Factum*

The winners of the Top Factum award shall be the team of two with the highest Total Factum Scores.

In the event of a tie, the winners of this award will be determined by the team of two that has the highest Raw Factum Score.

## 6. *Top Oralist*

Eligibility for the Top Oralist award is dependent upon having argued at least twice during the competition.

The winner of the Top Oralist award will be the mooter with the highest average of Individual Oral Argument Scores from the preliminary rounds.

In the event of a tie, the winner of this award will be determined by reviewing the highest Individual Oral Argument Scores from any judge in the preliminary rounds.

### 6.1. Top Final Round Oralist

The winner of the Top Final Round Oralist will be awarded to the participant in the final round with the highest Individual Oral Argument Score. In the event of a tie, or should the highest score also be held by the Top Oralist recipient, this award shall not be given.

## 7. *Top School*

The winner of the Top School award will be the participating school with the highest Appellate and Respondent Total Combined Scores from their two highest scoring rounds. In the event of a tie, this award will not be given.

## 8. *Spirit of the Moot*

The winner of the Spirit of the Moot award will be the participant who has best exemplified the late Justice Isaac's passion for diversity and social justice by advancing the most innovative and compelling critical race theory argument. This award is discretionary.

# VI. PENALTIES

## A. Procedure

### 1. *General*

Teams may be penalised for failure to comply with the rules and deadlines of the competition, at the discretion of the Referees.

The Referees, on their own initiative or upon receiving a complaint, may assess a penalty for any violation of the Official Rules. The Referees are to notify potential penalty recipients of their violation and the potential consequences in writing. The team(s) or individual(s) accused of Official Rules violations are then entitled to submit a response within five (5) days of receiving notice. Following such a response, 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 written reasons at their discretion.

### 2. *Complaints*

Complaints pertaining to oral argument or other violations of these Official Rules must be reported, via email, to a Referee immediately following the round or at the first reasonable opportunity.

Any violations of the Official Rules occurring during oral argument that are not brought to the attention of the Referees at the first available opportunity 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. Factums*

For the late delivery of factums, the Referees shall impose a penalty of one (1) point per day for a maximum of five (5) points, unless the offending party shows cause as to why no penalty or a lesser penalty should be adjudged against them, in which case the Referees may determine the appropriate penalty.

Penalty points assessed against a factum will be subtracted from each factum Judge's score for that particular factum before determining the scores awarded to the penalised factum.

*For example*: If the three factum Judges award the scores of 38, 36, and 40 to a factum which is penalised two (2) points for lateness, the scores of that factum for all purposes will be 36, 34, and 38, respectively.

### *2. Oral Argument*

Penalties assessed during oral argument may be either team penalties or individual penalties as determined by the Referees.

In the case of team penalties, the amount of the penalty will be subtracted from the score awarded by each oral argument Judge to each mooter during the round in which the violation occurred. For example, if the three oral argument Judges awarded scores of 38, 36, and 40 and 40, 36, and 38 to the two members of a team penalised two (2) points, then the oralist scores for that round for all purposes will be recorded as 36, 34, and 38 and 38, 34, and 36 respectively.

In the case of individual penalties, the amount will be subtracted from the score awarded by each oral argument Judge to the penalised mooter during the round in which the violation occurred. The score of a non-penalized team member will not be altered by the assessment of an individual penalty against a teammate.

### *3. Other Penalties*

In the case of penalties not arising specifically out of a factum or a particular round of oral argument, such as for unsporting behaviour, the Referees shall assess penalties by subtracting penalty points from the total points awarded to the penalised team in any round, the Referees, in their discretion, deem appropriate.

### *4. Referees' discretion in determining penalties*

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 whether to issue a penalty and the quantum of penalty, the following factors shall 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 organisers and to the other teams involved; and
f) all the circumstances surrounding the violation, including any explanation provided by the offending parties.

## VII. NBLSA THURGOOD MARSHALL MOOT COURT COMPETITION 2024-2025

BLSA Canada's Julius Alexander Isaac Moot has an invitation for our 1st 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 organisations in the United States. The organisation 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 U.S. regional conventions will be invited to compete at the National Convention, as well as the first-place winner of the Isaac Moot. The BLSA Canada team will have the choice to compete in the NBLSA Moot. Participation in the NBLSA Moot is not mandatory.

The NBLSA Moot will take place in early March at the NBLSA Convention during the NBLSA National Convention. 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 winning team choose to participate, they should be reminded that they will be mooting against renowned teams such as Harvard, Yale, Columbia, Georgetown, etc.

BLSA Canada will notify the winning 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 Isaac Moot finalists will have to dedicate toward the NBLSA Moot.

**APPENDIX A:**
**JULIUS ALEXANDER ISAAC MOOT INDIVIDUAL FACTUM MARKING SHEET**

Factum Number: Grader's Name:

***Please consider the following questions as factors in your marking:**

| Criteria | Comments and Points |
|---|---|
| **1. Correct and articulate analysis of the issues** | |
| **Overview:** Does counsel clearly and effectively set out what the case is about, identify the issues, and set out their position on each issue? Does counsel begin to show why a judgment for their client would be legally correct and morally right? | /1 |
| **Statement of Facts:** Are the facts set out logically? Are only relevant facts used? Are damaging facts addressed appropriately? Does counsel use the facts to tell a persuasive story? | /2 |
| **Issues:** Does counsel state their issue concisely and accurately? Is the issue well framed? | /1 |
| **Standard of Review:** Has counsel identified and set out the correct standard of review? Does counsel demonstrate how that standard of review has been met (or not)? | /1 |
| **Total points for correct and articulate analysis of the issues:** | **/5** |

| 1. Knowledge of substantive issues/ Application of legal principles to the facts | |
|---|---|
| **Command of Substantive Law:** Does counsel accurately identify the applicable case law? Does counsel effectively apply the relevant substantive law? Does counsel appropriately distinguish conflicting case law? Does counsel deftly manage damaging case law? | /5 |
| **Application of the Law and Theory to the Facts:** Does counsel clearly apply the relevant legal principles to the facts? Does counsel clearly apply the relevant theoretical principles to the facts? Does counsel engage compellingly with various aspects of the facts? | /5 |
| **Total points for knowledge of substantive issues and application of legal principles to the facts:** | **/10** |
| **2. Clarity** | |
| **Organisation:** Does counsel organise the arguments in a logical fashion, with clear transitions? Does counsel make effective use of headings and other organisational aids? Is the factum visually pleasing? Does it contain enough white space? | /2 |
| **Writing:** Is the writing clear and concise? Does counsel make use of point-first writing and give context before details? Does the writing flow? | /2 |
| **Total points for clarity:** | **/4** |
| **3. Persuasiveness** | |
| **Persuasiveness:** Has counsel identified and used the strongest arguments and winnowed the weakest arguments? Are the arguments presented persuasively? Has counsel remained objective? | /7 |
| **Total points for persuasiveness:** | **/7** |

| 1. Extent of research | |
|---|---|
| **Extent of legal research:** Do the arguments demonstrate extensive legal research of the issues? Does counsel address case law from different domestic / international jurisdictions? Does counsel address case law from different levels of court, if appropriate? | /4 |
| **Theory:** Does counsel advance theory approaches to their arguments? Is it effective? Does counsel identify and address relevant socio-economic issues in a persuasive and legally sound way (e.g., religious, cultural, racial, gender, etc.)? | /5 |
| **Total points for extent of research:** | **/9** |
| **2. Ingenuity** | |
| **Ingenuity:** Does counsel advance creative arguments? Does counsel bring a unique perspective to their arguments? Is it effective?<br><br>Note the argument you feel may be eligible for the spirit of the moot award (if applicable) : | /5 |
| **Total points for ingenuity:** | **/5** |

| 3. Familiarity with and use of the relevant authorities | |
|---|---|
| **Authorities:** Does counsel identify the relevant authorities and use them clearly, succinctly, and persuasively? | /5 |
| **Total points for familiarity with and use of the relevant authorities:** | **/5** |
| **4. Correctness of format, citations, and grammar** | |
| **Formal Requirements:** Does the factum comply with the rules set out in the Official Moot Rules? | **/1** |
| **Grammar:** Has the factum been proofread and edited, or does it contain typographical or other errors? | **/1** |
| **Table of Contents:** Does counsel provide a framework or road map for the argument and succinctly outline all major submissions? | **/1** |
| **Order of Relief Sought:** Does counsel state the order sought in clear language that could be inserted directly into the order of judgement? | **/1** |
| **Legal Citation and Style:** Is proper legal citation used consistently throughout the factum (as per the McGill Guide to Legal Citation)? | **/1** |
| **Total Points for correctness of format, citations, and grammar** | **/5** |

| Assessment | Points |
|---|---|
| **Total Criteria Score**<br>**(*Please add the scores of all the criteria listed above)*** | **/50** |
| **Applicable Penalty Score** (if any)<br>(*see* Rule VI) | |
| **Total Factum Score:**<br>(*Please add total criteria score and subtract any penalty points)* | **/50** |

**Comments (Mooters value these personal comments as a very important part of the learning process. Judges are encouraged to be as specific as possible. Judges may provide their names on the scoring sheet.)**

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**APPENDIX B:**
**APPELLATE ORAL ARGUMENT MARKING SHEET**

Date: Courtroom:
Round :

**APPELLANTS**
Team ID:
Name (A1):
Name (A2):

**RESPONDENTS**
Team ID:
Name (R1):
Name (R2):

Scoring Judge's Name :

Judge(s) on Bench Names :

| | | |
|---|---|---|
| | | |

| **SCORING - Please use only whole numbers** | | | |
|---|---|---|---|
| **Categories with weighted scores** | **Factors to consider (non-exhaustive)** | **Appellant 1 Score** | **Appellant 2 Score** |
| Effective Introduction<br>**Out of 5** | Clearly introduced client and client's position and statement of issues; delivered an effective opening statement; provided an effective "road map" | /5 | /5 |
| Knowledge and application of the law<br>**Out of 10** | Demonstrated a clear grasp of the legal principles at issue; effectively applied the relevant substantive law; appropriately distinguished conflicting case law; effectively addressed damaging case law | /10 | /10 |

| | | | |
|---|---|---|---|
| Knowledge and application of the theory<br><br>**Out of 10** | Demonstrated a clear grasp of the theoretical principles at issue; effectively applied theory to the issues of the moot; demonstrated appropriate depth of analysis and engagement with theory | /10 | /10 |
| Answering Questions<br><br>**Out of 10** | Listened to the question and responded effectively, demonstrated ability to think on feet and be creative; answers showed flexibility in delivering submissions as opposed to following a script; made appropriate concessions; did not interrupt bench; engaged entire bench; welcomed questions | /10 | /10 |
| Persuasiveness, Style and Clarity<br>**Out of 10** | Demonstrated a sense of conviction; compelling and persuasive presentation style; appropriate use of gestures; good eye contact; argumentative vs. informative attitude; effective use of notes; clarity of presentation; appropriate use of quotes | /10 | /10 |
| Organization and Time Management<br><br>**Out of 5** | Logical flow of argument; effective use of transitions from one issue to the next; effective use of time; | /5 | /5 |
| Total Individual Oral Argument Score (*Please add up the points from each category for each mooter*) | | /50 | /50 |
| **The Total Raw Oral Argument Score**<br><br>**(***Please add up both Total Individual Scores***)** | | | **/100** |

**Comments -** Mooters value these personal comments as a very important part of the learning process. Judges are encouraged to be as specific as possible. Judges may provide their names on the scoring sheet.

Appellant 1 :

Appellant 2 :

**Optional: Was there an argument or answer that stood out to you as embodying the Spirit of the Moot? If so, please identify the argument relevant mooter below.**

Mooter :

Argument :

**Reminder to Judges:**

- Strict anonymity of school identity shall be ensured as far as possible. Teams shall be identified through the rounds only by number, not by school name.
- During the argument, each Judge should tentatively score each oralist at the conclusion of the oralist's oral presentation.
- Following the argument, the Judges shall retire to deliberate. **Judges shall have 10 minutes to deliberate.** They shall then individually mark their scoring summaries without comparisons to the scoring summaries of their fellow Judges.
- **The Judges do not return to the courtroom to declare a winner**; however, they may return to give reasons or to comment orally on the performance of the teams.
- Judges are asked to carefully complete the individual sheets attached to the score sheets, which will be delivered to each mooter at the close of the competition. Mooters value these personal comments as a very important part of the learning process. Judges are encouraged to be as specific as possible. Judges may provide their names on the scoring sheet.
- There should be a minimum score of thirty (30) and a maximum of fifty (50) assigned to each advocate.
- The substantive merits of the case shall not be considered in judging the oral argument.
- A moot is not a public speaking contest. Judges are encouraged to question oralists during their submissions while bearing in mind the importance of affording oralists the opportunity to make their arguments.

**APPENDIX C:**
**RESPONDENT ORAL ARGUMENT MARKING SHEET**

Date: Courtroom:
Round :

**APPELLANTS**
Team ID:
Name (A1):
Name (A2):

**RESPONDENTS**
Team ID:
Name (R1):
Name (R2):

Scoring Judge's Name :

Judge(s) on Bench Names :

| | | |
|---|---|---|
| | | |

| **SCORING - Please use only whole numbers** | | | |
|---|---|---|---|
| **Categories with Weighted Score** | **Factors to consider (non-exhaustive)** | **Respondent 1 Score** | **Respondent 2 Score** |
| Effective Introduction **Out of 5** | Clearly introduced client and client's position and statement of issues; delivered an effective opening statement; provided an effective "road map" | /5 | /5 |
| Knowledge and application of the law **Out of 10** | Demonstrated a clear grasp of the legal principles at issue; effectively applied the relevant substantive law; appropriately distinguished conflicting case law; effectively addressed damaging case law | /10 | /10 |

| | | | |
|---|---|---|---|
| Knowledge and application of the theory<br><br>**Out of 10** | Demonstrated a clear grasp of the theoretical principles at issue; effectively applied theory to the issues of the moot; demonstrated appropriate depth of analysis and engagement with theory | /10 | /10 |
| Answering Questions<br><br>**Out of 10** | Listened to the question and responded effectively, demonstrated ability to think on feet and be creative; answers showed flexibility in delivering submissions as opposed to following a script; made appropriate concessions; did not interrupt bench; engaged entire bench; welcomed questions | /10 | /10 |
| Persuasiveness, Style and Clarity<br>**Out of 10** | Effectiveness of rebuttal; demonstrated sense of conviction; compelling and persuasive presentation style; appropriate use of gestures; good eye contact; argumentative vs. informative attitude; effective use of notes; clarity of presentation; appropriate use of quotes | /10 | /10 |
| Organization and Time Management<br><br>**Out of 5** | Logical flow of argument; effective use of transitions from one issue to the next; effective use of time | /5 | /5 |
| Total Individual Oral Argument Score (*Please add up the points from each category for each mooter*) | | /50 | /50 |
| **The Total Raw Oral Argument Score**<br><br>**(***Please add up both Total Individual Scores***)** | | | **/100** |

**Comments -** Mooters value these personal comments as a very important part of the learning process. Judges are encouraged to be as specific as possible. Judges may provide their names on the scoring sheet.

Respondent 1 :

Respondent 2 :

**Optional: Was there an argument or answer that stood out to you as embodying the Spirit of the Moot? If so, please identify the argument relevant mooter below.**

Mooter :

Argument :

**Reminder to Judges:**

- Strict anonymity of school identity shall be ensured as far as possible. Teams shall be identified through the rounds only by number, not by school name.
- During the argument, each Judge should tentatively score each oralist at the conclusion of his or her oral presentation.
- Following the argument, the Judges shall retire to deliberate. **Judges shall have 10 minutes to deliberate.** They shall then individually mark their scoring summaries without comparisons to the scoring summaries of their fellow Judges.
- **The Judges do not return to the courtroom to declare a winner**; however, they may return to give reasons or to comment orally on the performance of the teams.
- Judges are asked to carefully complete the individual sheets attached to the score sheets, which will be delivered to each mooter at the close of the competition. Mooters value these personal comments as a very important part of the learning process. Judges are encouraged to be as specific as possible. Judges may provide their names on the scoring sheet.
- There should be a minimum score of thirty (30) and a maximum of fifty (50) assigned to each advocate.
- The substantive merits of the case shall not be considered in judging the oral argument.
- A moot is not a public speaking contest. Judges are encouraged to question oralists during their submissions while bearing in mind the importance of affording oralists the opportunity to make their arguments.

## APPENDIX D:
## 2025 OFFICIAL MOOT TIMETABLE

| 2025 Official Moot Timetable | |
|---|---|
| September 30, 2024 - October 21, 2024 | Registration Period |
| Tuesday, October 29, 2024 | Official Moot Problem released |
| Monday, November 5, 2024 - 3 PM EST | Any Clarification Requests regarding the Moot Problem must be received via the Official Questions form |
| Friday, November 29, 2024 - 3 PM EST | Any Clarification Requests regarding the Official Moot Rules must received via the Official Questions form |
| Tuesday, January 7, 2025 - 3 PM EST | Deadline for Moot Teams to submit list of practice judges, used or anticipated, to National Moot Director at moot@blsacanada.com |
| Thursday, January 9, 2025 - **3 PM EST** | Deadline for Appellant factums |
| Friday, January 10, 2025 | Latest date by which Respondents will receive their assigned Appellant factums |
| Thursday, January 16, 2025 - **3 PM EST** | Deadline for Respondent factums |
| Friday, January 17, 2025 | Latest date by which Appellants will receive their assigned Respondent factums |
| Friday, January 24, 2025 | Deadline for spectators to declare their anticipated attendance at the Moot via form on BLSA Canada website |
| **January 30, 2025 - February 1, 2025** | **18th Annual Julius Alexander Isaac Moot** |
| **Saturday, February 1, 2025 - 6 PM EST** | **2025 Isaac Moot Award Ceremony**<br>***Location: Ontario Bar Association Conference Centre*** |