



RULES FOR 2021 LLOYD DEAN MOOT

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ORGANIZATION OF THE COMPETITION

A. Administration

The Competition is presented annually by the Black Law Student Association, Windsor Chapter and organized by the Lloyd Dean Moot Committee.

B. Competition Procedures

Levels of Competition

- The Competition shall consist of two levels of competition:
 - (1) Preliminary Round
 - (2) Final Round.
- The Preliminary round shall be open to all eligible undergraduate students who shall register to receive the case.
- The Final Round will consist of the top four students selected in accordance with these rules.

PARTICIPATION AND ELIGIBILITY

The Committee shall serve as final arbiter of implementation and interpretation of these Rules.

A. Team Eligibility

- Any current undergraduate students, or aspiring law students not currently enrolled in a degree program, are invited to participate in the competition. Current law students are not eligible to participate in the competition.

B. Returning Students

- Students who have participated in the competition in previous years are permitted to participate this year.

C. Team Composition and Selection

- Each Team shall be composed of two (2) Participants. Participants may form their own teams. Each Team shall be assigned a team number by the Committee.

D. Assistance from Moot Coaches and Advisors



- Teams will be assigned Moot Coaches who are upper-year Windsor Law students. As these coaches are student volunteers, they will provide support to Mooters at their discretion.
- Outside assistance rendered to a Team in preparation of its case by Moot Coaches, or other Advisors can include, but is not limited to discussion of the issues, suggestions as to oral submissions, and consultations regarding oral advocacy techniques.
- Assistance also includes commentary on argument organization and structure, the flow of arguments, and formats.

G. Withdrawal from the Competition

- Given that each Appellant Team in the Competition is reliant upon presentation of oral arguments by its opposing Respondent Team and vice-versa, it is essential that Participants be unable to withdraw from the Competition following Thursday, January 15, 2021. After this date, each participant is deemed to honour this competition.
- **NOTE: Failure to remain in the Competition will be considered an ethical violation.**

H. Ethical Violations

- All incidents or allegations of ethical violations shall be referred to the Committee. Such violations may be reported to student undergraduate Institution.

THE MOOT PROBLEM

- Participating teams may request for clarifications to the official moot problem by sending an email to lloyddeanmoot@gmail.com latest by **Tuesday, January 19, 2021 (05:00 PM EST)**.
- A full list of clarification shall be released by **Thursday, January 21, 2021 (05:00 PM EST)**.

ORAL SUBMISSIONS PROCEDURE

A. Ground Rules

1. Teams of two will argue for the Appellant (Crown) and the Respondent (Defence Counsel).

B. General Procedures

1. Each team will have 30 minutes for argument.
2. The Appellant team will go first and speak for twenty-five 25 minutes.
3. The Respondent team will go second and speak for 30 minutes, including any rebuttal time.



4. The Appellant team will then have 5 minutes for further rebuttal (optional)
 - a. [The Appellant team may choose to reduce its rebuttal time to allocate more time for their initial argument and should inform the judges prior to the start of the moot if they are doing so.]

STRUCTURE OF ORAL SUBMISSIONS

The order of the oral submissions in each Round at all levels of the competition shall be:

- Appellant 1
- Appellant 2
- Respondent 1
- Respondent 2
- Appellant's Right of Reply (optional).
- The Right of Reply can only address new issues brought up during the Respondents oral submissions of which they could not have previously addressed in their oral submissions.
- The Right will be handled as is in Canadian appellate courts.
- The Committee will enable the Participants to enter a breakout room on Zoom to discuss their Right of Reply for an allotted time of ninety (90) seconds and reserves the right to re-enter the room to stop the time and begin the Right of Reply. The purpose of this provision is to accommodate the ordinary course of communication among co-counsel that is not available through an online platform.

5. NOTE: The time taken to answer questions from the judges will be part of the 30 minutes allotted to each team. **Be precise and concise in your answers.** Clerks will indicate timing throughout.
6. No written material will be submitted, and no additional research is required. Judges will be provided with copies of each of the cases to be considered found in the moot problem as well as the lower court judgement, all of which you may reference in your submissions.

C. Extension of Time at Judge's Discretion

- In both the preliminary and final round, Judges may, at their discretion, extend individual argument time beyond the time allocation, up to an additional two (2) minutes per Participant.
- Participants who are asked to expand upon arguments may, in this instance, appear for more than the individual time limit.



E. Oral Courtroom Communication and Activity by Student Counsels

- Every courtesy shall be given to oralists during oral argument. Communication at the counsel table shall be in a manner that prevents disruption. Teams shall avoid all unnecessary noise, outburst, or other inappropriate behaviour that may distract from the argument in progress.

JUDGES

A. Three Panel Judges and Selection of Judges

Three (3) Judge panels shall be utilized whenever possible. Whenever possible, the Bench shall be composed of one (1) practitioner, one (1) member of the faculty of Windsor law, and one (1) articling student

B. Commentary by Judges

- Judges in any Round of the Competition are encouraged to provide oral feedback to participants regarding their oral performance at the completion of the Moot.

G. Spectators

- Where the Preliminary Round moot is held online, the spectators may be limited and the moot may not be open to the public at the sole discretion and direction of the Committee.

H. Scouting

- No Team member may attend any oral argument other than those in which their Team is competing until completion of the Team's oral argument at the preliminary round.
- Where the Preliminary Round moot is held online, a team who wishes to be a spectator after they have already completed their Preliminary Round moot may be limited and the moot may not be open to the public at the sole discretion and direction of the Committee.

COMPETITION SCORING

A. Preliminary Rounds

- Scoring of the Preliminary Rounds shall consist of two parts: (1) the scoring of the quality of the oral legal argument, and (2) the presentation of the oral arguments.
 - **Quality of Legal Argument:** 50% including organization, clarity, research, simplicity, persuasiveness and elegance and



- **Presentation:** 50% including presence, style, ability to respond well to questions, and familiarity with facts and legal policy issues.
- The calculation of the Raw Score – Oral for each Participant shall be determined by adding together the Markers’ Oral Presentation scores for that Participant.

B. Selection of Finalists

- The Appellant team with the greatest number of votes from the preliminary round, and the Respondent team with the greatest number votes from the preliminary round will be selected for the Final Round. These two teams will compete in the championship round at the end of the afternoon.
- In the event of a tie, the Moot Committee will cast an additional tie-breaking vote. As the moot is online, the Committee shall review the Preliminary Round moot online platform recording.
- In spite of the results, all participants are highly encouraged to attend the final round. Participants who did not make it to the final round are still eligible for the Spirit of the Moot Award, to be presented at the Award Ceremony shortly after the Final Round of the Competition.

C. Final Round

A. General

The Final Round shall be held in the afternoon and shall be open to the public.

In the event of spectators for the final round, the Committee retains the discretion to provide access for online viewing.

AWARDS

Spirit of the Moot Award

- The winner of the Spirit of the Moot award shall be announced at the Award Ceremony, following the Final Round.

Best Moot Team

- The winner of the Best Moot Team award shall be announced at the Award Ceremony, following the Final Round.

Top Oralists

- The winner of the Top Oralist award shall be announced at the Award Ceremony, following the Final Round.



DRESS CODE

- The dress code throughout the day is business casual.

TECHNOLOGY

- The 2021 Lloyd Dean Moot will be hosted via Zoom.
- The link to access the moot will be provided on Monday, March 1, 2021.
- Mooters are expected to show up 15 (mins) before the moot competition begins and are encouraged to attend various events being held throughout the day.

TIPS FOR A SUCCESSFUL MOOT

2021 LLOYD DEAN MOOT ONLINE PROCEEDINGS

A. On the Day of the Preliminary Round Moot

1. Participants shall join the hearing by clicking on the link provided, or by opening Zoom, clicking on the “Join” or “Join a Meeting” icon, and entering the meeting ID and password provided. Participants should label themselves with their full names and roles (Appellant 1, Appellant 2, Respondent 1, Respondent 2) in the proceeding, not with pseudonyms or aliases.
2. Alternatively, if a participant is unable to participate by videoconference, the participant may seek the permission of the Committee to join the hearing by audio conference only. A participant joining by audio only will need to call the phone number provided and follow the directions regarding entering the meeting ID and password. Participants should only join by audio if they experience technical issues with the videoconference and only with the approval of the Committee.
3. The Zoom hearing will be open to participants beginning 30 minutes before the moot is scheduled to begin. Participants must sign into Zoom well in advance of the scheduled time to address any issues with technology. When joining Zoom, participants will be placed in a waiting room and then admitted into the hearing by the Committee member sitting in on their preliminary round when the moot is ready to commence.
4. A pre-moot check-in will occur approximately fifteen minutes before the scheduled hearing time. All participants must be present for the pre-moot check-in.

B. During the Hearing of the Appeal

1. Subject to any direction of the Committee, only mooters providing submissions will appear on video in the virtual courtroom.
2. “Screensharing” is not permitted.



3. Participants should be aware that hearings on Zoom will be video and audio recorded by the Committee for internal finalist selection purposes only.
4. The camera angle of the device used for the hearing should be angled to clearly display the mooter's face and shoulders along with part of their moot binder.
5. If you experience any technical difficulties with Zoom, please consult the Zoom Help Center at <https://support.zoom.us/hc/en-us> as Zoom is a third-party remote appearance service.
6. During the moot, the Committee member present in the moot may contact the mooter by the phone or email in the event the person appears to be experiencing connection issues with the virtual courtroom.
7. Parties should ensure that they have their phones with them at all times so that they can be reached, or if they need to contact the Committee, should the need arise.

BEST PRACTICES FOR ZOOM APPEARANCES

The following practices are for guidance and are not intended to be exhaustive. Participants should follow any direction given by the Committee.

The following is a short excerpt of the Advocates' Society's Best Practices for Remote Hearings:

- 1. Identify an appropriate environment for the moot and improve internet connectivity.**
 - Choose a professional environment with a neutral backdrop and adequate lighting.
 - If possible, choose a location near a modem and/or connect directly to the internet via ethernet for better connectivity.
 - If connecting by Wi-Fi, to reduce potential connection problems, minimize the use of bandwidth by other members of the household or office.
 - Choose a quiet location with minimal distractions.

- 2. Prepare hardware and software in advance.**
 - Fully charge and plug in devices during the hearing.
 - Place devices on a stable and stationary surface.
 - Handheld devices [iphones, smartphones, ipads, tablets etc.] should not be used.
 - Test accessing Zoom and the internet connection in advance of the hearing, in the location that will be used for the hearing (see <https://zoom.us/test>).
 - Ensure devices that will be used during the hearing meet Zoom system requirements (see <https://support.zoom.us/hc/en-us/articles/201362023-System-Requirements-for-PC-Mac-and-Linux>).
 - Select a screen name for Zoom containing your full name and role in the proceeding (e.g. Jane Doe, Appellant 1).



- Position the camera on your computer or similar device in a way for it to be level with your face and 1-2 feet away from where you will be seated for the moot.

3. Plan for communicating with others.

- Consider how mooters will communicate with teammates (if necessary) privately during the hearing.
- Exchange telephone numbers and email addresses in advance to communicate in the event technological or other issues arise during the hearing.

4. Take steps to minimize background noise

- Mute your microphone if you are not speaking.
- Participants who have not muted their microphones may be muted by the Committee.
- Put cell phones and other devices on silent and mute notifications on your computer to avoid interrupting the hearing. For example, if you will be using an Apple computer, sign out of your iMessages application to avoid disturbance and turn on your “do not disturb” feature.

5. Adapt oral argument for a remote hearing.

- Gowning is not required for any Zoom appearances at this time.
- Mooters should wear appropriate business attire.
- Consider speaking more clearly than usual to adapt to lag times in the video or audio technology.
- Consider whether to proceed more slowly than usual when referring to your [notes], as it may take longer for judges to locate the electronic documents.