



# West Coast Environmental Law Twitter Moot

## Official Competition Rules

2012

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### **1) Purpose**

The purpose of West Coast Environmental Law's (@WCELaw's) Twitter Moot is to use an innovative event to provide students with an opportunity to engage in environmental law argument and to raise awareness on the dynamics of the debates around environmental issues in BC and Canada.

### **2) Acknowledgements**

These rules were developed by West Coast Environmental Law staff lawyer, Andrew Gage, and legal intern, Anna Novacek. The rules were significantly influenced by the Moot Rules developed by Willms & Shier Environmental Lawyers LLP for their Environmental Law Moot held in 2010. The Twitter Moot is made possible through the generous financial support of our sponsors: (Gold) The Law Foundation of British Columbia; and (Silver) Iler Campbell LLP, McCarthy Tetrault, Miller Thomson LLP, Saxe Law Corporation, Skunkworks Creative Group, and Willms & Shier Environmental Lawyers LLP.

### **3) Participants**

- Moot Administrator – head administrator of the competition. Has all powers and responsibilities necessary to administer the competition, including those specified in the rules.
- Moot Court Clerk (@twtmoot) – calls the Court to order, and is official Timekeeper – to be appointed by the Administrator.
- Panel of Judges – three lawyers (practising or not).
- Student Participants – two individuals per team, 3-5 teams per moot, assigned by lottery to represent parties or interveners.
  - Eligibility – currently enrolled in legal studies at a Canadian University.

### **4) Structure and Format**

The competition takes the form of a simulated appeal of a judicial decision to a Canadian court of last resort referred to as 'the Supreme Twitter Court of Canada or #STCC.' The doctrines of

precedent and *stare decisis* apply to the Supreme Twitter Court of Canada in all respects as if it were the Supreme Court of Canada.

A case based on a recent lower court decision will be constructed and provided to students and participants at least one month in advance of the event. It will be linked in the ‘references’ section of the moot web page. The hypothetical case will involve sufficient parties and interveners to create a role for all the student teams. In this way, a single court session will allow all the teams to compete in a single event, removing the need for run-offs.

## **5) Registration and Expenses**

For this first Moot, only students registered at Canadian law schools will be eligible to participate. Students affiliated with environmental law clubs at 5 major Canadian law schools have been invited to select teams and those teams have been accepted on a first-come, first-serve basis. It is @WCELaw’s sole discretion to determine the number of teams who will be allowed to participate and to confirm which teams will be accepted.

Since it is our preference to have multiple law schools participate, preference has been given to the first 2-member team to apply for which a sponsor is confirmed from that law school.

@WCELaw may invite sponsors for the event and for teams, and may encourage each team’s supporters to make donations. Team members are very welcome to invite further donations or sponsorships, however, there is no obligation to do so.

## **6) Court Infrastructure**

The “Courtroom” – @WCELaw will create a TwtMoot List and a @Twtmoot username, both of which will follow all the direct participants in the moot. Participants should follow this list prior to the start of the Moot, so that they can easily see tweets made by the judges, clerk or participating teams. Members of the public interested in the moot may also follow this list.

The West Coast Environmental Law website will also host a Twitter Moot page ([www.wcel.org/twtmoot](http://www.wcel.org/twtmoot)) which recognizes event sponsors, the parties, and provides information about the event rules and the court case under appeal. This page will also provide a Twitter Feed from which members of the public may follow the TwtMoot List.

Each team will also have its own Team Page, featuring:

- A Team Corporate Sponsor, if any;
- A brief description of the party that they represent and its position in the Moot;
- Their Factum (see below) and other filed documents;
- A Twitter Feed republishing the TwtMoot List, so that supporters can view the event from the Team Page;
- A comments section where the Team Members and their supporters can offer thoughts, words of encouragement, suggestions, good wishes, etc.; and
- A donations button and a list of major donors and information on how to support the Twitter Moot and West Coast Environmental Law through donations.

Further features may be developed (for example, displaying supporters who “like” the team and/or interactivity with Facebook).

## 7) Organization

- **The competition problem:** The Twitter Moot problem shall be selected by the Administrator based on an actual court case. The Administrator may, if the panelists so desire, consult with the panelists. The initial problem shall be distributed on a specified date approximately four weeks in advance of the event. Requests for clarification in regards to the problem must be submitted to the Moot Administrator in writing, by email, until 2 weeks prior to the debate. Any questions and answers will be distributed to all Teams.
- **Appeal Factum:** In keeping with the nature of Twitter, the Factum to be filed for the appeal will be a maximum of 2 pages in length at 11 point font (not including the table of authorities/laws found in Parts v and vi, which may exceed the 2-page limit). The teams representing the Appellants should file their Factum 2 weeks prior to the event; the teams representing the Respondent(s) and Intervener(s) will file their Factum 1 week prior to the appeal. A Factum should include:
  - i. A concise overview of their client’s position and a concise statement of the facts, including a concise statement of any other facts that the Respondent considers relevant;
  - ii. A concise statement of the questions in issue in the appeal;
  - iii. A statement of argument setting out concisely the questions of law or fact to be discussed, with reference to the page and paragraph number of the authorities being relied on;
  - iv. Submissions as to the order sought;
  - v. A table of all authorities cited in the Factum, arranged alphabetically and with links to any of the authorities publicly available on-line; and
  - vi. Those provisions of any statute, regulation, rule, ordinance or bylaw directly at issue, including any links to these authorities, if publicly available on-line.
- **One Minute YouTube Video Submission:**

A team may also upload one video clip of 1 minute or less to YouTube or a similar video publishing site which may be referred to in the Appeal Factum and/or in the Twitter argument.

The content of this video would be at the team’s discretion, but will be judged in how it ultimately contributes to or enhances their overall argument. It may include graphical

representations of information contained or described in the lower court decisions, but may not introduce entirely new evidence or information.

The video must be uploaded, and the other teams given the URL, not less than 1 week prior to the Moot.

- **Authorities:** Where possible, the teams should provide, both during the Moot and in the Factum, on-line URLs for evidence and authorities. These may be shortened using bit.ly or other URL shorteners.

When citing authorities, priority should be given to publicly available resources, such as canlii.org or bclaws.ca, so that the event audience can follow the links. If no publicly available links are available, links to e-Carswell or Quicklaw, or a non-on-line full citation, may be included in the Factum list of documents.

As this is an appeal, the teams should not present new evidence, and should not link to materials concerning the case that go beyond what was referenced in the lower court decisions.

## **8) Twitter Argument Sequence and Procedure**

- 1.) Introductions
- 2.) Twitter Format for Submission of Arguments\*

Each team will be allowed 10 minutes to tweet, and should decide how to divide their time between the two team members. The Moot Court Clerk will keep time and will tweet a warning one minute before each Team's time is up, and when the time is up.

Each tweet should be 140 characters or less. Teams should not make use of "long update" or other functions that allow tweets to go beyond the 140 characters.

Only one team member may tweet at a time (they may not tweet simultaneously). No other team may tweet during another team's time.

Within their allotted time, a team member may post as many tweets as s/he wishes. However, teams should keep in mind the ability of the panelists/judges, and the audience, to absorb the information being presented, and should tweet at a speed appropriate to the ability of the judges to absorb information, and refer, even briefly, to any materials/authorities referenced, in real time.

The Judges may intervene at any time (and are encouraged to do so), to ask questions and/or to encourage the teams to speed up or slow down their presentation, as appropriate. The teams must still complete their arguments within the allotted time, notwithstanding any intervention(s).

After each team has had an opportunity to present, one team member from each Appellant (but not intervenors) may take 1 minute to rebut any points raised by any of the other parties or intervenors.

The order of presentations shall be set by the Administrator, based on:

- Appellant(s)
- Parties intervening in support of the Appellant(s)
- Respondent(s)
- Parties intervening in support of the Respondent(s)

There will be a brief pause after each Teams' presentation, during which the Moot Court Clerk will acknowledge event funders and invite the audience to fill out an on-line survey to rank the team's performance as part of selecting a "People's Choice" winner. The Moot Court Clerk will invite the next team to proceed after finishing these informational Tweets.

### **9) Scope of Argument**

The Administrator will identify the grounds on which leave has been granted, which defines the scope of the appeal. Parties should not go beyond what is relevant to those issues.

That being said, a team is not limited by the arguments made in their Appeal Factum. Teams are free to depart from the Factums in oral argument, but will lose points if the scope of their arguments goes beyond what is relevant to the case.

### **10) Etiquette & Use of Hashtags**

Formal court language to be used, but may be modified for Twitter:

- Male judges referred to as 'My Lord(s)' = ML
- Female judges referred to as 'My Lady(ies)' = ML
- Collectively judges may be referred to as = ML&Ls
- Other barristers to be referred to as 'learned friend(s) = LF(s)'
- It is also appropriate to address participants, including Judges, by their Twitter username.

Examples

- 'Would ML appreciate a summary of the facts?'
- 'ML&Ls I submit that' instead of 'I think.'

Written form must be clear and free from obvious grammatical and spelling errors, recognizing that Twitter often encourages abbreviations and acronyms. Although the teams are under pressure to post tweets in a limited time frame, teams may lose points if the style renders the meaning of tweets difficult to understand. Participants should keep in mind that the judges (and audience) may not be uniformly familiar with Twitter and its conventions.

If possible, all tweets should include the hashtag #twtmoot to enable members of the public to follow the discussion (recognizing that this may be dropped if necessary to make a point in 140 characters). In addition, other hashtags which the participants may wish to consider using (not an exhaustive list) include:

- #STCC (Supreme Twitter Court of Canada)
- #WCELaw (West Coast Environmental Law)
- #envlaw (standard hashtag for environmental law issues)
- #legalidol (related to polls on the People’s Choice awards, see below)
- #bcpoli (bc policy)
- #indigenous (indigenous issues)
- as well as hashtags related to the particular environmental issues being discussed in their submissions

### 11) Scoring

The Judges will not make a ruling on the substance of the appeal, but will decide upon a winner in terms of the advocacy and legal argument demonstrated by the Teams. Participants will be scored on three criteria:

<p>1.) Presentation and clarity of argument</p> <ul style="list-style-type: none"> <li>• organization of Factum and legal submissions</li> <li>• easy to follow, logical and coherent structure which fully addresses the issues in the competition problem</li> <li>• written expression</li> <li>• use of authorities appropriate to the moot problem and particular submission</li> </ul>	<p>2.) Use of Social Media</p> <ul style="list-style-type: none"> <li>• effective use of Twitter &amp; internet medium to convey points</li> <li>• effective use of YouTube/video submission</li> </ul>	<p>3.) Dealing with judicial intervention</p> <ul style="list-style-type: none"> <li>• ability to respond effectively to questions</li> <li>• ability to modify submissions to address judge’s questions.</li> </ul>
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Each Judge will have a score sheet to keep track of points based on the criteria listed above.

The individual scores from each judge will then be combined and their total points will be averaged.

Score sheets will be then be written up by the Judges and the Administrator will send them privately to each team. These will include written comments in addition to numerical points.

Feedback will be academic in style – formatted as ‘constructive criticism’ but generally supportive of all student’s efforts.

### **People’s choice**

In addition, after each team has presented, the audience will be invited to fill out brief on-line survey about the advocacy of the teams that they have observed. The score of each team will help to determine a “people’s choice”.

### **12) Awards**

The team which is most effective in its Twitter advocacy based upon the above criteria will be the winner of the Moot, and will receive a prize of \$500 to be shared between the 2 team members, and a certificate recognizing their accomplishment.

In addition to adjudicated awards, a certificate will be awarded to the “people’s choice”, acknowledging the team that has been selected through a survey of audience members as having demonstrated the best advocacy. There is no prize money associated with the People’s Choice award.