

3RD ANNUAL GUELPH HUMBER CUP



Saturday May 14th, 2022 - Sunday May 15th, 2022

Competitor Package

Tournament Contacts

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Welcome to the 2022 GH Cup!

Thank you for registering to take part in the 3rd annual GH Cup mooting competition! We truly hope you are looking forward to the competition just as much as we are. In the package below you will find all the relevant information needed for the weekend of the competition, some tips and tricks for success, as well as a case memo!

Itinerary

The GH Cup will take place via zoom on Saturday May 14th 2022 and Sunday May 15th 2022. All competitors and judges will be required to check in on zoom between 8:00am-8:30am EST on Saturday May 14th, 2022. Failure to check in will result in automatic disqualification.

There will be a total of four (4) non-elimination, preliminary rounds on Saturday May 14th. Depending on the number of competing teams, the top 8 teams will proceed to Day 2 on Sunday May 15th.

Below you can find a breakdown of the anticipated schedule of events. Please note these times are an estimate, and while the GH Cup steering committee is committed to ensuring the schedule is adhered to, delays can happen.

Saturday May 14th, 2022:

8:00am-8:30am: Check In
8:30am-8:55am: Opening Remarks and Judges Brief
9:00am-10:00am: ROUND 1
10:10am-11:10am: ROUND 2
11:10am-11:45am: Lunch Break
11:55am-12:55pm: ROUND 3
1:05pm-2:05pm: ROUND 4

Sunday May 16th, 2022

10:00am-10:30am: Check In
10:40am-11:40am: QUARTER FINALS
11:50am-12:50pm: SEMI FINALS
12:50am-1:30pm: Lunch Break
1:45pm-2:45pm: FINALS
2:45: Awards Ceremony

Competition Format

Each team will consist of two (2) speakers. Each speaker will have 8 minutes to make submissions, for a total of 16 minutes per team. The Appellant may exercise a 1 minute right of reply if they choose. You may divide the issues however you see fit, keeping in mind the time restrictions that are in place, and the recommendations in the issue section below. Be sure to prepare for both sides, as each team will present for both the Appellant and the Respondent.

Each team is guaranteed to participate in 4 rounds during day 1, ideally twice for Appellant and twice for Respondent. However, in the face of unforeseen scheduling conflicts, we can only guarantee that each team will present each side at least once within their 4 rounds.

There will be no in-room moderators on day 1. Judges will keep time, and we encourage you to self time as well. Day 2 will feature in-room moderators with visual time sheets.

Day 2 will be open to spectators. The GH Cup steering committee will screen spectators, and place them into the appropriate room. Please advise any spectators you invite to keep their cameras and microphones off. Additionally, the final round on day 2 will be recorded, and later uploaded to YouTube.

General Guidelines:

- Competitors should be dressed in business attire.
- Standing will not be required during presentation of submissions.
- Competitors are advised to not include any outside research or information, unless it can be considered common knowledge.
- You must finish at the end of your 8 minutes, unless granted a moment of indulgence.

Mooting Virtually:

- Pre-plan where you will present from on competition day. Ensure the lighting is balanced, your microphone and camera work, and your space is clean.
- Ensure to mute your microphone when not presenting.
- Be mindful of any background noise that may cause an interference when presenting such as shuffling of papers.
- Should there be connectivity issues during your submission, please make your way back into the main room once reconnected. Don't panic, you will be able to proceed once you are logged back in.
 - That being said, judges may ask your partner to proceed with their submission in the interim, so enter the courtroom quietly. Prepare accordingly should you or your partner have connectivity issues.

Style Tips

- Address the judges as “Justice(s)”
- Address opposing counsel as “my friends” or “our friends”
- Address your partner as “my co-counsel” or “my colleague”
- Your points are not arguments, they are “submissions”
- Avoid usage of phrases such as “I think”, “I feel”, or “I believe”. Instead try “I submit”, or go straight into your point.
- Competitors should be respectful of the judges and fellow competitors. At no point should you interrupt anyone else. Judges however will interrupt you to ask questions. Make sure to pause and listen, then proceed to answer.
- The best mooters do not lecture or talk at judges, but rather engage them in conversation. Your job as a competitor is to convince the judges of your position. Pay close attention to whether a judge is being successfully persuaded or not, and adjust accordingly.
- Speak SLOWLY! There is a lot of information for the judges to take in and speaking quickly can hinder your ability to accurately present your submissions.
- Coordinate with your partner. Your submissions should be complementary.
- The roadmap is your introduction. It steers your entire submission, and allows the judges to follow your points.
- Maintain eye contact! It's easy to forget to engage with the judges in a virtual moot, be careful to not read directly off your screen
- Be mindful of strong language. Using softer language makes your submission more credible

Example of successful virtual mooting:

2021 Osgoode Cup Final Round: <https://youtu.be/Ck8Ctq3weGc>

We encourage competitors to follow @GHPLS on Instagram to stay up to date on all things GH Cup.

On behalf of the 2022 GH Cup Steering Committee, we look forward to seeing you all at the competition! GOOD LUCK!

Case Memo: 2022 GH Cup

Ward v. Quebec

Introduction:

The Case to be mooted at the 2022 GH Cup is *Ward v. Quebec (Commission des droits de la personne et des droits de la jeunesse)*, 2021 SCC 43 (“*Ward*”). The Appellant team will represent Quebec and the Respondent team will represent Mr. Ward.

Facts:

- From 2010-2013 Mike Ward, a professional comedian, gave a show which included a routine mocking public figures in Quebecs artistic community.
- One of these figures was Jeremy Gabriel, a public figure with a disability. Gabriel was a minor at the time of the events alleged against Ward, and had a successful career as a singer.
- Following the routine, Ward also posted a video to his website in which he made further comments about Gabriel. Both the live show and the video mocked Gabriel’s physical characteristics.
- Gabriel’s parents filed a complaint against Ward with the Commission des droits de la personne et des droits de la jeunesse (“Quebec Commission”) who then asked the Human Rights Tribunal to find that Ward had interfered with Gabriel’s right to full and equal recognition of his right to the safeguard of his dignity, contrary to ss. 4 and 10 of the Quebec Charter
- Ward claimed he had chosen Gabriel not because of his disability, but because of his status as a public figure in Quebec, and was merely exercising his right to freedom of expression under s. 3 of the Quebec Charter

Judicial History:

Quebec Human Rights Tribunal:

- Tribunal found that all elements of *discrimination* under the Quebec Charter were established
- Tribunal rejected Wards defense based on *Freedom of Expression*
- Ward appealed this decision

Court of Appeal:

- Majority dismissed Ward’s appeal
- Stating the tribunal could conclude that there was discrimination
- Ward’s comments were not justified by Freedom of Expression

Supreme Court of Canada:

- Ruled in favour of Ward.
- The Quebec Commission des droits de la personne et des droits de la jeunesse appeals this decision to the Supreme Court of Guelph-Humber.

Legal Question Before the Supreme Court of Guelph-Humber:

Oral arguments must answer the following question:

Whether the impairment of the equal exercise of the right to dignity is sufficiently serious, or whether it is justified by the comedian's freedom of expression.

Dividing the Issues:

For the 2022 GH Cup, there are three main issues that need to be addressed. They are as follows:

1. Were the elements of discrimination under the Quebec Charter established?
2. What is the appropriate framework for the purpose of a s.10 Quebec Charter claim when there are conflicting rights?
3. Were the remarks made by Ward against Gabriel justified? / Were the elements of proportionality met under s.9(1) of the Quebec Charter?

Please note: All competitors should be ready to address any policy implications.

Position and Remedy Sought:

In this matter, The Appellant is Quebec. The Appellant requests that the Supreme Court of Guelph-Humber allow the appeal and overturn the Supreme Court of Canada's decision.

The Respondent is Mr. Ward. The Respondent requests that the Supreme Court of Guelph-Humber dismiss the appeal, and uphold the Supreme Court of Canada's decision.

Materials to Reference:

[*Quebec Charter of human rights and freedoms*](#)

[*Saskatchewan \(Human Rights Commission\) v. Whatcott*](#), 2013 1 SCR 4667

[*Quebec \(Commission des droits de la personne et des droits de la jeunesse\) v. Bombardier Inc.*](#)
2015 2 SCR 789

[*Calego International inc v. Commission des droits de la personne et des droits de la jeunesse*](#),
2013 QCCA 924

Please note this list is nowhere near exhaustive! But it would be wise to ensure that at a minimum the above are utilized and incorporated.