

SUPPLEMENTAL RULES AND BEST PRACTICES FOR VIRTUAL MOOTS

WILLMS & SHIER ENVIRONMENTAL LAW MOOT SUPPLEMENTAL RULES AND BEST PRACTICES 2022

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SUPPLEMENTAL RULES

Due to the COVID-19 pandemic, the 2022 Willms & Shier Environmental Law Moot will be conducted virtually. These Supplemental Rules are to be read in conjunction with the Official Rules, and in particular address the virtual aspect of the 2022 moot. In accordance with Official Rule 4.4, these Supplemental Rules amend the Rules in effect for the 2022 Moot.

Official Rules 9.1, 13.10, 13.13–13.16 and 17 are hereby deleted and replaced with the corresponding Supplemental Rules below.

9.1 ANONYMITY

The identity of a team's school shall be kept confidential from the Referee and all factum and oral round judges until the start of the awards banquet after the championship round.

The Moot Administrator shall assign a team number to each team in the competition. Teams shall be identified only by this number in all factums and oral rounds. No other information that might identify a team's school (e.g. the school's city, province, logo, or colours) shall be disclosed by anyone in any factum or oral round.

All competition participants and spectators shall exercise due diligence in other formal and informal settings, including Internet and social media, to prevent disclosure of the identity of a team's school to the Referee or judges. They should not, for example, display any screen names, background or other items (such as podiums, clothing, pins, hats, binders, bags or stickers) in the competition venue that reveal any participating school's name, colours, logo, city or province. They should exercise discretion in any contexts where communication might be accessible to the Referee, judges or the public.

The identity of a team's school may be disclosed to other teams, coaches, competition staff or volunteers, subject to the aforementioned due diligence obligations.

The requirement of anonymity does not apply to individual students' names. The names of the students preparing factums must appear on the factums, and oralists should use their own names in oral proceedings.

13.10 EX PARTE PROCEEDINGS AND TECHNICAL FAILURES

The Moot Administrator and teams shall make every effort to ensure that any initial connection problems are resolved before the scheduled start time of an oral match. If for any reason only one or no member of a team is present in the virtual courtroom at the scheduled start time of an oral match, the Referee may, after ten minutes have elapsed from the scheduled start time, allow the oral match to proceed *ex parte*, unless the Co-Chairs have approved alternative arrangements pursuant to rule 13.1. In an *ex parte* match, the team that is present shall present its oral argument, which the judges shall evaluate to the extent possible as if the absent team had been present and arguing; and the team that fails to appear shall forfeit the match.

If one member of the defaulting team is present and willing to proceed, the Referee may allow that member to present his or her own oral argument, which the judges shall

evaluate only for purposes of determining Distinguished Oralist ballots. The match shall still be forfeit.

If a judge's or oralist's connection is interrupted during an oral match, the Moot Administrator and the person whose connection is interrupted shall make best efforts to restore the connection. This may include the competitors calling into the match by telephone.

If a judge's connection is interrupted for more than thirty seconds during an oral match, the other judges or the bailiff shall suspend the match and stop the timekeeping clock to allow the connection to be restored. If the connection is not restored after two (2) minutes, then:

- a) If at least one other judge is connected to the match, the remaining judge(s) shall resume the match while efforts to reconnect the affected judge(s) continue; or
- b) If no other judges are connected to the match, the match shall remain suspended until at least one judge is connected and resumes the match or the scheduled match time expires, whichever is earlier. If none of the judges are connected, the Moot Administrator may appoint a single new judge to view the match.

If an oralist's connection is interrupted for more than thirty seconds while they are presenting oral argument or when their time to present oral argument begins, the judges or the bailiff shall suspend the match and stop the timekeeping clock to allow the connection to be restored. If the connection is not restored after two (2) minutes, then the senior judge shall resume the match by calling on the next oralist in line to present oral argument, while efforts to reconnect the affected oralist(s) continue. If an affected oralist is reconnected and time permits, the senior judge shall allow them to resume their oral argument at whatever point in the proceedings and for whatever duration the senior judge deems appropriate in the circumstances.

Notwithstanding rule 13.1, in the event of connection problems affecting a judge, oralist, or both, the senior judge may shorten the time available to one or more oralists for oral argument, change the order of argument, or both, to accommodate any delays occasioned by technological problems. The senior judge shall strive to allocate any such changes equitably between the teams. Judges will evaluate oralists' performance in light of any disruptions and adjustments occasioned by connection problems. For greater clarity, judges should not penalize oralists for connection problems.

If, due to connection problems during a match and notwithstanding any efforts or adjustments made pursuant to the preceding paragraphs, no oral argument is presented for a given team, that team shall forfeit the match. If no oral argument is presented for either team, both teams shall forfeit the match.

All judges who are connected at the end of an oral match shall participate in deciding the match, regardless of whether they were disconnected for a portion of the match. In deciding the match, a judge may rely on their own observations and on information provided by other judges about what they did not observe.

13.13 COMMUNICATION

During an oral match, co-counsel may join from more than one location, or may be in the same room, at their discretion. Co-counsel seated at the virtual counsel table may communicate with each other only in writing, either in person (if counsel are in the same room) or electronically. Co-counsel seated at the virtual counsel table may communicate with counsel who is making submissions only in writing, either in person (if counsel are in the same room) or electronically. Counsel who is making submissions may communicate with co-counsel seated at the virtual counsel table with the bench's permission (e.g. to retrieve a document, obtain information sought by the bench or consult with co-counsel). All communication among co-counsel shall be done discreetly, sparingly and professionally, without causing a disturbance to judges or opposing counsel.

Counsel shall not communicate in any form (including virtual chat) with coaches, team members not at the virtual counsel table, spectators or opposing counsel during oral argument, regardless of whether these coaches, team members, spectators or opposing counsel are in the same room as counsel.

No documents or other materials may be submitted directly to oral round judges during an oral match, including by way of screen sharing.

13.14 SPECTATORS

The Moot Administrator will arrange to broadcast a livestream of all oral matches for public view. Spectators and coaches are welcome to watch the livestream, subject to Rule 13.12: Unsporting Behaviour. Coaches and spectators shall not join an oral match via Zoom or enter the physical room in which counsel present oral argument during an oral match. Teams are responsible for ensuring that affiliated spectators do not engage in disruptive behaviour and do not reveal the team's identity on social media or otherwise before its identity has been officially revealed at the awards ceremony. Team members shall not share their virtual login information with spectators.

13.15 TIMEKEEPING

The timekeeper shall keep time during an oral match and shall display the time remaining at suitable intervals. The only official time of the oral match is the time indicated by the timekeeper. No one other than the official timekeeper may display timecards or otherwise signal to counsel how much time is left.

13.16 ELECTRONIC DEVICES

Devices such as desktop computers, laptops, tablets, or smartphones are permitted at the virtual counsel table for the purposes of: (a) logging into and participating in the moot; (b) communicating with co-counsel in accordance with rule 13.13; 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 virtual counsel table during the oral argument round to communicate with any individual not otherwise participating in the oral argument round, including coaches or other team members not at the virtual counsel table, or to search for any content or authorities not prepared or compiled in advance of the oral argument round.

15.6 PENALTIES

Existing penalties in the Rules continue to apply. For greater certainty, violating any of the supplemental rules 13.13–13.16 may constitute a penalty under section 15.3.2(d–g) of the Rules. Violating supplemental rule 17 may constitute a penalty under section 15.4.5 of the Rules.

17 PHOTOGRAPHS AND RECORDINGS

Photographing, taking screenshots, audio-recording or video-recording of any competition event is prohibited except with the authorization of the Moot Administrator.

Participants and spectators are prohibited from taking screenshots, photographs, audio recordings or capturing video of participants’ or spectators’ screens during oral argument and other competition events. The Moot Committee and Willms & Shier Environmental Lawyers LLP will be in no way responsible for participants who share unauthorized screenshots, photographs, audio recordings or video.

The Moot Committee and Willms & Shier Environmental Lawyers LLP have the exclusive right to create, reproduce, share, broadcast and use still images, moving images, sound recordings or transcripts of oral matches and other competition events. All competitors, judges, participants and spectators who have signed the consent form will have consented to the use of such images, recordings and transcripts for any purpose connected with the competition, including advertising, promotion, and use on Willms & Shier’s social media platforms.

BEST PRACTICES FOR VIRTUAL MOOTING

Please find below a list of best practices to follow while participating in the virtual 2022 Willms & Shier Environmental Law Moot. Should you have any questions or concerns please contact the Moot Administrator, and we will do our best to answer your questions or give further direction.

All virtual login information will be provided to participants prior to the day of the Moot.

APPEARANCE AND BACKGROUND

- 1 Moot in front of a blank and uncluttered background. Do not use a virtual background unless you are unable to secure a space with an appropriate physical background. If you have to use a virtual background, it must be provided at least 10 days in advance and approved by the Moot Administrator before the Moot.

- 2 If you have to use a virtual background, be mindful that excess movement can cause your image to disappear. Consider testing the platform with the virtual background prior to the day of the Moot.
- 3 Position the camera at your eye level or slightly above, allowing for a small amount of headroom at the top of the frame.
- 4 Video should be in landscape orientation, not portrait.
- 5 When speaking, look directly at the camera, not at the screen.
- 6 Select a space that is quiet and will not be subject to interruption.
- 7 Verify your lighting - your goal with lighting is to provide a soft, even amount of light on your face. Make sure you are not backlit, for example by light from a window or lamp.
- 8 Ensure your internet connection is fast, reliable, tested beforehand and if possible, via Ethernet cable.
- 9 Have a headset on hand in the event of poor sound quality.
- 10 Your screen name should appear in the format “J. Doe, Counsel for the [Appellant/Respondent]”. There should be no reference to the name of your school.
- 11 Log on 20 minutes before the beginning of the oral match.

ETIQUETTE

- 1 Participants should speak one at a time.
- 2 Participants should pause prior to speaking in case there is any audio or video lag.
- 3 Participants should mute themselves when not speaking to avoid any potential background noise.
- 4 Participants should ensure that any cell or landline phones are muted.

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