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**THE WALKER HEALTH LAW MOOT  
RULES**

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**(2021 - 2022 ACADEMIC YEAR)**





**WALKER**  
HEALTH LAW MOOT

MMXXI

EXPERIENCE THE MOOT LIKE NO OTHER

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# Preamble

The Walker Health Law Moot was created by Matthew Calloway Walker, Chair & Founder of The Walker Health Law Moot.

The Walker Health Law Moot is a *not-for-profit competition* administered by Matthew Calloway Walker and the Walker Health Law Moot Committee.

*The Purpose* of the Walker Health Law Moot is threefold: (1) to provide students with the opportunity to develop necessary practical skills; (2) to afford students the opportunity to network with experienced health law professionals; and (3) to create a forum for students to display their skills and talent in front of judges and professionals.

*Professionalism and Excellency* - The Walker Health Law Moot Rules are intended to safeguard against conduct that is deemed neither fair nor professional during The Walker Health Law Moot. Any questions, concerns, or general inquiries concerning these rules should be sent to the Walker Health Law Moot Committee at [walkermoot@outlook.com](mailto:walkermoot@outlook.com)

Note: “herein” when used in reference to the Rules, refers to the Rules contained in this entire package/document.

## I. *Structure of the Competition*

### I.1. Interpretation, Authority, and Implementation

- I.1.1. The Walker Health Law Moot Competition (“*Moot*” or “*Competition*”) is presented by *Matthew Calloway Walker*.
- I.1.2. The Walker Health Law Moot Committee shall serve as the final arbiter for the interpretation and implementation of the Rules herein contained.
- I.1.3. The Walker Health Law Moot Committee has the *Ultimate Power* to make any decisions and determinations, or take any measures or actions, not detailed nor mentioned in the Rules contained herein.
- I.1.4. For an appropriate interpretation of these Rules, reference shall be given to the Preamble which shall form part of, and is vital to such interpretation.
- I.1.5. The Competition shall be implemented and carried out in the English language.

### I.2. Procedures

- I.2.1. The Moot shall consist of The Preliminary Rounds, The Semi-Final Rounds, and The Championship Round.
- I.2.2. The Moot shall consist of a Moot Problem in Medical Malpractice Law.
- I.2.3. Each Team shall assume the status, in accordance with the Rules contained herein, as either Plaintiff or Defendant.
- I.2.4. A Factum must be drafted by each Team and submitted in accordance with the Rules contained herein.
- I.2.5. Any Oral Arguments made during this Competition shall be made during and within the scheduled competition dates of this Moot and in accordance with the rules contained herein, subject to the discretion of The Walker Health Law Moot Committee.

### I.3. Team Arrangement

- I.3.1. With the exception of participants competing as solo-counsel, each Team shall be made up of a total of two (2) participants.
- I.3.2. Each Team shall be provided with a Team Number which shall be used for identification and pairing purposes.
  - I.3.2.1. The Walker Health Law Moot Committee shall assign this number by Monday, January 18, 2022.

## 2. *Virtual Guidelines*

### 2.1. Cameras On: Teams, Judges, & Moderators

- 2.1.1. During the entirety of a Virtual Court Session, all Teams and individual participants competing in that court, including Moderators and Panel Members *must have their Cameras turned On*.
  - 2.1.1.1. Among other possible reasons, the primary purpose of this provision is to ensure both that the actual participant is delivering their oral arguments and to mimic and simulate real court-room settings, as best as possible.

### 2.2. Cameras On: Guests and Viewers

- 2.2.1. During the entirety of a Virtual Court Session, all guests and viewers *can, and are invited, to have their Cameras on, but microphones must be muted*.

- 2.2.1.1. Among other possible reasons, the primary purpose of this provision is to ensure both that no distractions take place to disrupt the Court or its Competing Members and that the actual Teams Competing are easily identifiable.

### 3. *Eligibility and Ethical Violations*

#### 3.1. Eligibility

- 3.1.1. To be eligible, and remain eligible, for this Competition, each individual participant must be a registered member of *an accredited law school*, currently studying in one of its law programs.
- 3.1.2. Participants shall compete in teams of two (2), irrespective of year or program of law study.
- 3.1.3. Each Team will compete as either Plaintiff or Defendant, with the understanding that once the team is assigned its status by the Walker Health Law Moot Committee, there shall be no argument or appeal to change, or switch, such status.

#### 3.2. Withdrawal or Illness

- 3.2.1. Should *a Team* wish to *withdraw*, one (1) member of the team must contact the Walker Health Law Moot Committee with *timely* or *appropriate* notice, indicating such Withdrawal, the Team Member Names, and Team Number.
  - 3.2.1.1. Timely Notice here is *10 days after the Package containing these rules has electronically been sent out*.
- 3.2.2. Upon withdrawal, the team will *forfeit* the competition, and in the event a replacement team is not found, *subject to the Walker Health Law Moot Committees' discretion and decision*, where relevant, the opposing team will advance to the next round.
- 3.2.3. Should *a Participant* wish to withdraw because of illness, emergency, or other reason, that participant (or one member of the team) shall contact the Walker Health Law Moot Committee with timely or appropriate notice, indicating such Withdrawal, the Team Member Names, and Team Number.
  - 3.2.3.1. Should this happen, subject to appropriate satisfaction of any relevant provisions contained herein, the remaining Team Member may choose to continue in the Moot as *solo-counsel*, and make their *former partner's arguments*, which otherwise would have been made.
  - 3.2.3.2. The participant wishing to now compete as solo-counsel shall inform the Walker Health Law Moot Committee with timely and appropriate notice.

#### 3.3. Ethical Violations

- 3.3.1. Subject to the discretion of the Walker Health Law Moot Committee, a Participant or Team who acts contrary to these rules, or with behavior unbecoming of a legal professional will be eliminated.
- 3.3.2. Any Participant or Team, who is suspected of inappropriate or unethical conduct and behavior, shall be reported to the Walker Health Law Moot Committee.
  - 3.3.2.1. The Reported Participant or Team, will be contacted by the Walker Health Law Moot Committee, and may have the opportunity *once*



- (1) to rebut (depending on the severity of the violation), through email only, any allegations made against such Participant or Team.
- 3.3.3. **Any violation** of the Rules contained herein may result in elimination from this Moot in the current year and in the years that follow, or any other penalty The Walker Health Law Moot Committee considers fair, just, and reasonable.

## 4. Sources of Guidance

### 4.1. Assistance from Outside Sources

- 4.1.1. Each Team must complete all research, editing, and writing themselves in accordance with the Rules contained herein.
- 4.1.2. All writing must be the sole work, effort, and product of the Team alone and not of anyone else.
- 4.1.3. Each team may seek the assistance of faculty members, professionals (legal or medical), lecturers, librarians, research experts, and or any other member of the legal community (*with the exception of other competing teams*).
- 4.1.4. Any **Assistance Received or Sought** must be **limited** to only a general discussion of any of the following:
- 4.1.4.1. the Moot Problem's Issues;
  - 4.1.4.2. how to organize oral and written arguments (i.e., format, structure, and presentation);
  - 4.1.4.3. other guidance related to oral advocacy; and
  - 4.1.4.4. questions, suggestions, and guidance concerning sources of research.

### 4.2. Use of Opposing Facta

- 4.2.1. A Team can only view the Opposing Facta of the Teams they are scheduled to oppose during The Walker Health Law Moot.
- 4.2.2. With the exception of viewing the Opposing Facta of ***scheduled opponents***, ***no*** Team shall ***view or possess*** any Facta belonging to Teams against which they are not scheduled to compete.
- 4.2.3. No Team entering the Semi-Final Round or Final Round will be provided with the Factum of the Opposing Team they are scheduled to oppose.

## 5. Moot Problem Related Questions

### 5.1. Can I ask for Clarification?

- 5.1.1. Each Team has the opportunity to ask the Walker Health Law Moot Committee, through email, any questions concerning clarification of the Moot Problem.
- 5.1.1.1. All questions asked must be submitted ***by Friday, January 15<sup>th</sup>***, 5 pm, and ***no later***.
  - 5.1.1.2. The Walker Health Law Moot Committee cannot guarantee any response.
  - 5.1.1.3. The Walker Health Law Moot Committee retains the right to leave unanswered any questions which have been previously outlined or explained.
- 5.1.2. **All Teams** will receive an email ***sometime after*** Friday, January 15<sup>th</sup> clarifying the answers to any questions worthy or necessary of answer.



- 5.1.2.1. The answers and questions may be published on the Walker Health Law Moot Website as well.
- 5.1.3. Such questions must be sent to [walkermoot@outlook.com](mailto:walkermoot@outlook.com) by Friday, January 15<sup>th</sup>, 5 pm to be considered for response.

## 6. Written Material (Factum)

### 6.1. Basic Requirements

- 6.1.1. Each Team must submit *only* one (1) electronic copy of its Factum.
- 6.1.2. Each Team's Factum must meet the requirements detailed in this section, or any other section contained herein, to maintain eligibility to participate and compete in this event.

### 6.2. Publishing of Facta

- 6.2.1. All Teams, pursuant to registration under this Competition, recognize and give effect, upon Factum submission, that all rights in and to the Factum, and the written material contained therein, become the sole property of the Walker Health Law Moot Committee.
- 6.2.2. The Walker Health Law Moot Committee, may after the competition, or at a later date, make available such Facta through publication on the Walker Health Law Moot Website, or any other electronic or print distribution (including books, journals, etc.), or reproduction.

### 6.3. Submission of Facta

- 6.3.1. Each Team must submit one (1) electronic copy (Word or PDF) of its Factum in English.
- 6.3.2. Submission of Facta shall be made only to the Walker Health Law Moot Committee at [walkermoot@outlook.com](mailto:walkermoot@outlook.com) by February 15<sup>th</sup>, 2022 by 5 p.m.
- 6.3.3. Once a Team has submitted its Factum, no changes, alterations, additions nor clarifications shall be made to the submitted Factum.
- 6.3.4. Upon submission, it is in the Team's *best interest* to request a confirmation of receipt for their Factum.
  - 6.3.4.1. *All Facta will be considered 'received' upon confirmation by the Committee.*
  - 6.3.4.2. Should there be any issue concerning the Factum's receipt or delivery, the burden will be on the Team to present such confirmation of receipt by the Committee.
- 6.3.5. Upon submission of a Team's Factum, all rights in and to the Factum, and the written material contained therein, become the sole property of the Walker Health Law Moot Committee.

### 6.4. Facta Requirements (Formatting)

- 6.4.1. Each Team must submit one (1) electronic Word or PDF copy of its Factum.
- 6.4.2. Facta, concerning the entirety of the text contained therein, must be submitted in *Times New Roman, 12-point font, 1-inch margins* (top, bottom, left, right)
  - 6.4.2.1. Footnotes must be in Times New Roman, *10-point font*.
- 6.4.3. With the exception of Footnotes, which must be single-spaced, all text of the Factum must be *double-spaced*.
  - 6.4.3.1. Headings and sub-headings exceeding one line or more must be single-spaced.

- 6.4.4. Each page must be *numbered*, with the page following the Team’s Table of Contents being considered the first-page and numbered accordingly as one (1).

### 6.5. Identifying or Personal Information

- 6.5.1. All Teams, prior to Facta submission, *must omit all* of the following references, if contained in Facta:
- 6.5.1.1. Participant names;
  - 6.5.1.2. Address(es) or any Personal Information;
  - 6.5.1.3. Year of Study; and
  - 6.5.1.4. Program of Study.
- 6.5.2. All Teams must only refer to their *Team Numbers (#)* in their Facta, and nothing more, unless stated otherwise in these Rules.

### 6.6. Arrangement

- 6.6.1. Each Facta must include the following sections, each of which must be presented in the *same order as here*:
- 6.6.1.1. Cover Page;
  - 6.6.1.2. Table of Contents;
  - 6.6.1.3. Overview;
  - 6.6.1.4. Statement of Facts;
  - 6.6.1.5. Questions in Issue;
  - 6.6.1.6. Statement of Argument;
  - 6.6.1.7. Order Sought;
  - 6.6.1.8. Table of Authorities; and
  - 6.6.1.9. Appendices (if any)

### 6.7. Cover Page

- 6.7.1. Teams must include a cover page in their Facta containing the following:
- 6.7.1.1. Title (“*Factum for Plaintiff – Stark*”, or “*Factum for Defendants – Lutzeier & Toronto General Hospital*”)
  - 6.7.1.2. Court Name (*The Ontario Superior Court*);
  - 6.7.1.3. Team Number;
  - 6.7.1.4. Competition Year (2022); and
  - 6.7.1.5. Style of Cause.
- 6.7.2. See Appendix C for a Template Cover Page for you to use in this competition as you see fit.

### 6.8. Citations, Footnotes, and Authorities

- 6.8.1. Teams must refer, and refer only, to the Canadian Guide to Uniform Legal Citation (“McGill Guide”).
- 6.8.1.1. Citations, Footnotes, and Authorities must be in accordance with the *most current* McGill Guide.
  - 6.8.1.2. Footnotes should be hyperlinked.

### 6.9. Plagiarism

- 6.9.1. The Walker Health Law Moot Committee takes a *zero-tolerance* plagiarism stance.
- 6.9.1.1. Students should consult their University Handbook to familiarize themselves with what plagiarism is and how to avoid plagiarizing in their work.

- 6.9.2. Should a Team plagiarize in their Factum, the Team will be disqualified and possibly precluded from participation in future years that the competition is offered.

#### 6.10. Page Limit

- 6.10.1. Excluding the cover page, table of contents, table of authorities, and any attached appendices, a Team's Factum must be no longer than twenty (20) pages
- 6.10.1.1. Twenty (20) pages is the limit, not the requirement, and thus, Facta do not have to be twenty (20) pages to be considered exceptional, they just must not surpass the twenty (20) page limit.
- 6.10.2. Factums exceeding twenty (20) pages will be penalized five (5) points per page over.

### 7. *Court Procedures*

#### 7.1. Order

- 7.1.1. The order of oral arguments for each Round of this Moot Competition shall be as follows: Plaintiff #1 → Plaintiff #2 → Defendant #1 → Defendant #2 → Optional Rebuttal from *either* Plaintiff #1 *or* Plaintiff #2.

#### 7.2. Oral Argument: Scope & Boundaries

- 7.2.1. Each Team shall ensure that during each Virtual Proceeding its arguments are limited to the scope of its Factum.
- 7.2.1.1. However, a Team is not precluded in any way from expanding upon the arguments or issues contained in its Factum, as long as such expansion relates to the written materials the Team submitted.

#### 7.3. Time Limits

##### 7.3.1. *Total Time*

- 7.3.1.1. Each Team shall be given a total of *thirty (30) minutes* to advance its oral arguments.

##### 7.3.2. *Individual Time*

- 7.3.2.1. The expectation is that each Participant shall prepare an oral performance strictly limited to *fifteen (15) minutes* in duration.

##### 7.3.3. *Optional Rebuttal*

- 7.3.3.1. After the conclusion of the Defendant Team's arguments (meaning *both Defendants have finished*), one (1), and only one (1) member of the *Plaintiff Team* shall be permitted by the Virtual Court to advance one (1) optional rebuttal strictly limited to *three (3) minutes* in duration.

##### 7.3.4. *Time Extensions*

- 7.3.4.1. The Panel, or a member thereof, may choose, at its discretion to permit a counsel member to continue speaking past the fifteen (15) minute cut-off, subject to the limitation contained directly beneath this provision.
- 7.3.4.2. Any extension this panel deems necessary shall be strictly limited to the allocation of an additional *three (3) minutes*.

## 7.4. What if Opposing Counsel is Late?

- 7.4.1. Where the Court deems it just and necessary, the session may proceed *ex parte*.
  - 7.4.1.1. Here, the circumstances warranting imposition of such a procedure are where a Team has failed to appear before the Panel in a *timely fashion* (i.e., *12 minutes*).
  - 7.4.1.2. After the Panel has waited twelve (12) minutes for the absent Team to present itself, the Panel *may permit the present Team to proceed with its arguments*.
  - 7.4.1.3. *Where ex parte is imposed*, the Team present will be scored by the Panel members, as they normally would have had the absent party been present before the Court.
- 7.4.2. Upon notification of such absence, or even upon “lateness” (12 minutes, or over five minutes late), the Walker Health Law Moot Committee will have discretion to determine the Penalty or Course of Action, if any, for the absent team.

## 8. Viewers and Guests

### 8.1. Who Can Attend?

- 8.1.1. The Walker Health Law Moot is open to all members of the general public, family, friends, professors, professionals, etc.
- 8.1.2. A participant seeking to have guests watch them in court, *must ensure* their guests conduct themselves appropriately, treating all members present with respect and kindness.

### 8.2. Removal

- 8.2.1. The Walker Health Law Moot Committee reserves the right, through its moderators, for all intents and purposes to remove spectators from the virtual platform for whatever reasons it sees fit, including, but not limited to, the following:
  - 8.2.1.1. Disruptive behavior;
  - 8.2.1.2. Failure to mute microphone;
  - 8.2.1.3. Failure to follow a directive of the court or moderator; or
  - 8.2.1.4. Inappropriate behavior.

## 9. Scoring

### 9.1. Facta Scoring

- 9.1.1. A handful of Legal Professionals will be selected by the Walker Health Law Moot Committee to score Facta.
  - 9.1.1.1. Scorers may participate in this competition as members of any panel.
- 9.1.2. Each team shall receive one (1) score, as determined by one, and only one, Facta Scorer.
  - 9.1.2.1. A Facta Scorer shall score a team’s factum based on a total of **100 allottable points** in accordance with the Scoring Sheet attached herein, titled under *Appendix A*.
- 9.1.3. The *Best Factums* (Plaintiff and Defendant) will be determined based on this score (*Factum Score*).

- 9.1.3.1. Should there be a tie, then the Walker Health Law Moot Committee will rely on the cumulative value of the *Team's Overall Score (Factum Score + Contender Score)* to break the tie and determine the two (2) Winning Teams ((1)(Plaintiff) and (1)(Defendant)) of Best Factum.
- 9.1.3.2. Should there remain a tie, then the Walker Health Law Moot Committee will determine the winner based on the Team with highest *Individual Complete Oral Score* to break the tie.

## 9.2. Preliminary Rounds

- 9.2.1. The Preliminary Rounds are open to all competing and eligible Teams.
- 9.2.2. Participants will be scored on their oral arguments per preliminary round, over the course of a total of two (2) days.
- 9.2.3. Facta will be scored prior to the Competition, by dedicated Facta Scorers;
  - 9.2.3.1. A Team's factum will be scored and reviewed by *only one* Facta Scorer, with the result of this scoring being the *official* and *final* Factum score.

## 9.3. Oral Argument Scoring

- 9.3.1. Each team shall receive two (2) scores, one (1) per each preliminary round.
  - 9.3.1.1. These two (2) scores will consist of the cumulative total of each judge's score for that participant, with Score #1 representative of the cumulative total of the panel's scores for that participant on Day 1 and Score #2 representative of the panel's scores for that participant on Day 2.
- 9.3.2. Each judge shall score each team member based on a total of *100 allottable points* in accordance with the Scoring Sheet attached herein titled under *Appendix B*.
- 9.3.3. At the termination of the preliminary rounds, the two (2) *Best Advocates*, one (1) Plaintiff and one (1) Defendant, will be determined based on the two participants with the highest cumulative oral score (*Individual Complete Oral Score = Day 1 + Day 2*) in their respective groups.
  - 9.3.3.1. Should there be a tie, then the Walker Health Law Moot Committee will rely on the cumulative value of the combined *Individual Complete Oral Score* and *Factum Score* to break the tie.
  - 9.3.3.2. Should there still remain a tie, then the Walker Health Law Moot Committee will rely on the cumulative value of the *Team's Overall Score (Factum Score + Contender Score)* to break the tie.

## 9.4. Contender Score (Team Scores)

- 9.4.1. On the second day of preliminary rounds, each individual Team's scores shall be totalled to form one single score, a "*Contender Score*."
  - 9.4.1.1. The *Contender Score* shall consist of the Oral Argument scores of both members of a Team (Score #1 + Score #2), with their individual scores added together
  - 9.4.1.2. The cumulative total of these scores will reflect the "*Team Score*."

## 9.5. Semi-Final Rounds

- 9.5.1. A total of four (4) teams shall gain entrance to the Semi-Final Rounds
  - 9.5.1.1. The Semi-Final Round shall consist of the best two (2) Defendant Teams and the best two (2) Plaintiff Teams.

- 9.5.2. In determining which *Plaintiff* Teams shall advance to the Semi-Final Rounds, the Team's *Contender Score* shall determine the final result, being either advancement or conclusion, relative only to all other competing Plaintiff team scores.
- 9.5.3. In determining which *Defendant* Teams shall advance to the Semi-Final Rounds, the Team's *Contender Score* shall determine the final result, being either advancement or conclusion, relative only to all other competing Defendant Team scores.
- 9.5.4. Should there be a tie, then the Walker Health Law Moot Committee will rely on the *Team's Overall Score (Factum Score + Contender Score)* to break the tie and determine the advancing teams.
  - 9.5.4.I. In the event the tie is not broken, The Walker Health Law Moot Committee will rely on each team's highest participant score (*Individual Complete Oral Score*), with the participant with the highest score determining which of the tied teams shall advance.
- 9.5.5. Once the Walker Health Law Moot Committee has determined the best two (2) Plaintiff Teams and the best two (2) Defendant Teams, each team will be randomly assigned to face an opposing team.
  - 9.5.5.I. In the Semi-Final Rounds, each Plaintiff Team will face only one (1) opposing Defendant Team, and not the other.

#### 9.6. Championship Round (Gaining Entrance)

- 9.6.1. At the end of the Semi-Final Round the Team's *Oral Scores*, from each participant on that team, will be combined with one another to form that Team's "*Advocate*" Score.
  - 9.6.1.1. The *Advocate Score* shall consist of *only* the Team's combined oral scores from the Semi-Final Round.
  - 9.6.1.2. The *Advocate Scores* of the two (2) Plaintiff Teams in the Semi-Final Rounds will be compared to one another, with the highest of the two scores advancing.
  - 9.6.1.3. The *Advocate Scores* of the two (2) Defendant Teams in the Semi-Final Rounds will be compared to one another, with the highest of the two scores advancing.
- 9.6.2. In the event of a tie, the Walker Health Law Moot Committee will rely on the cumulative value of each Team's *Contender Score* and *Advocate Score* combined to determine advancement.
  - 9.6.2.1. In the event the tie is not broken, then the Walker Health Law Moot Committee will rely on the total cumulative value of the Team's combined *Advocate Score* and *Team's Overall Score (Factum Score + Contender Score)* to break the tie and determine the advancing teams.
  - 9.6.2.2. In the event the tie is still unbroken after combining the *Advocate Score* and the *Team's Overall Score (Factum Score + Contender Score)*, the team with the highest participant oral score (*Individual Complete Oral Score*) will break the tie.

#### 9.7. Championship Round (The Final Round)

- 9.7.1. The Final Round "Championship Round" shall consist of the Best Defendant Team and the Best Plaintiff Team.

- 9.7.2. A total of two (2) teams shall gain entrance to the Championship Round
  - 9.7.2.1. The two (2) teams in the Championship Round shall consist of one (1) Plaintiff Team and one (1) Defendant Team.
- 9.7.3. In determining which team shall win the Championship Round, the Team's *Final Score* (the Team's Oral Score from the Championship Round) shall determine the final result, being either First Place or Second Place, to the highest and lowest *Final Score* respectively.
  - 9.7.3.1. Should there be a tie, then the Walker Health Law Moot Committee will rely on the combined value of the *Final Score* and *Advocate Score*, with the highest score determining the Champion.
  - 9.7.3.2. In the event the tie is not broken, The Walker Health Law Moot Committee will rely on the *Team's "Overall Record" Score* (Factum Score + Contender Score + Advocate Score + Final Score) to break the tie.
- 9.7.4. Once the Walker Health Law Moot Committee has determined the Highest Score of the two (2) Opposing Teams, a Winner shall be determined.

## 10. Panel Members

### 10.I. Who will be judging me?

- 10.I.1. Each Team shall present its arguments before a panel of judges, which may be comprised of legal professionals, medical professionals, professors, judicial members, mediators, and arbitrators.
- 10.I.2. Each panel will consist of at a minimum three (3) judges, though this number may change subject to the discretion of the Walker Health Law Moot Committee.

## 11. Obtaining Factum Scores

### 11.I. Factum Scores

- 11.I.1. Each team shall receive their scores after the competition has ended, but not immediately thereafter.
  - 11.I.1.1. Scores will be made available at a time the Committee deems reasonable, given appropriate time considerations and challenges in compilation and distribution.

## 12. Obtaining Oral Scores

### 12.I. Oral Argument Scores

- 12.I.1. Each team shall receive their scores after the competition has ended, but not immediately thereafter.
  - 12.I.1.1. Scores will be made available at a time the Committee deems reasonable, given appropriate time considerations and challenges in compilation and distribution.

## 13. Permissible Conduct

### 13.I. Professional Behavior

- 13.I.1. A Team, or its individual members, may have with them in court any of the following:
  - 13.I.1.1. Notes;



- 13.1.1.2. Facta (The Team’s Factum and Opposing Team’s Factum);
- 13.1.1.3. Case Law, evidence, and research;
- 13.1.1.4. Written Arguments;
- 13.1.1.5. Outlines;
- 13.1.1.6. Speeches; or
- 13.1.1.7. Anything in accordance with the *Rules* contained herein.
- 13.1.2. Participants will be penalized for any disruptive conduct, outbursts, bad faith behavior, or any behavior deemed by the Court or Committee unbecoming of a professional.
- 13.1.3. Participants are asked to show respect to Opposing Teams, Panel Members, and Moderators.

### 13.2. Use of Electronic Devices (Notes and Teammate Communication)

- 13.2.1. During the Virtual Court Session, a Team, or its Individual Members, may make use of electronic devices to take notes.
- 13.2.2. During the Virtual Court Session, a Team, or its Individual Members, may make use of electronic devices to refer to notes, outlines, speeches, or arguments.
- 13.2.3. Subject to Penalty or Elimination, any use of an electronic device must not be distracting.
- 13.2.4. A participant may *instant message* their Team Member through any reasonable and appropriate platform during their Virtual Court Session, to discuss strategy, notes, and arguments; however, such communication is limited to the extent that it remains *professional* and *undistracting* to members of the Virtual Court.
- 13.2.5. Any such use described under this provision (*Use of Devices*) is limited to the appropriate purposes identified in this section only.
  - 13.2.5.1. Any use of electronic communication to communicate with any members *outside* a Participant’s Team is considered *bad faith* and will be subject to Penalty or Elimination.
- 13.2.6. While Virtual Court is in session, Participants competing in that court are strictly precluded from researching information online.
  - 13.2.6.1. Such research will be considered bad faith and will be subject to Penalty or Elimination.

### 13.3. Communicating with Co-Counsel

- 13.3.1. Each participant’s communication with their respective Co-Counsel shall be strictly limited to communication with only that Co-Counsel member, concerning strategy, notes, and arguments.
  - 13.3.1.1. Participants shall and ought to refrain from such communication where it is unnecessary, distracting, or inappropriate.
- 13.3.2. *During the Virtual Moot Session, All Participants competing in that session are precluded from communicating with observers, guests, opponents, or any other persons.*

## 14. Scouting

### 14.1. No Scouting

- 14.1.1. All sessions may be attended on Day 1, with the exception of those sessions on Day 1 in which the Team presenting is one you are scheduled to face on Day 2.

- 14.1.2. Scouting other teams is precluded at all times during this Competition.
- 14.1.3. Scouting is defined here as:
  - 14.1.3.1. When a Team or one of its members attends a Virtual Hearing on Day 1, in which the participants presenting are those they are scheduled to face on Day 2.
- 14.1.4. Where scouting is reported or witnessed, the Team or Participant, or both, shall be subject to Penalty or Elimination at the Walker Health Law Moot Committee's discretion.
- 14.1.5. This Scouting provision does not apply to attending any other Day 1 or Day 2 virtual sessions, including the Semi-Final and Final Rounds which are also open to all participants for observation.

## 15. Recording the Moot

### 15.1. Recording by The Committee

- 15.1.1. A *Moot Performance* refers to a Team or Participant's oral arguments made before the panel members on each day of the Moot, regardless of the round the Participant, or Team, is presenting in.
- 15.1.2. All Teams, pursuant to registration under this Competition, automatically consent to the recording, display, transmission, and publication of their *Moot Performance* throughout the entirety of this Competition (Recorded Virtual Session) on the Walker Health Law Moot Website, YouTube, or any electronic or digital distribution or reproduction of such audiovisual performance or display lasting for any time or duration.
- 15.1.3. All teams, pursuant to registration under this Competition, automatically consent to the transfer of ownership and rights to the Walker Health Law Moot Committee in any recording, display, transmission, and publication of their *Moot Performance* taken throughout the entirety of this Competition (Recorded Virtual Session) on the Walker Health Law Moot Website, YouTube, or any electronic or digital distribution or reproduction of such audiovisual performance or display lasting for any time or duration.

### 15.2. Awards Ceremony Recording and Rights

- 15.2.1. The Awards Ceremony will be recorded by the Walker Health Law Moot Committee.
- 15.2.2. All teams, pursuant to registration under this Competition, automatically consent to the transfer of ownership and rights to the Walker Health Law Moot Committee in any recording, display, transmission, and publication of the Awards Ceremony on the Walker Health Law Moot Website, YouTube, or any electronic or digital distribution or reproduction of such audiovisual performance or display lasting for any time or duration.
  - 15.2.2.1. Participants hereby automatically acknowledge and consent to any inclusion of their image, voice, speech that may be present or contained in the above recording, transmission, publication, distribution or reproduction of the Award's Ceremony, lasting for any time or duration.

### 15.3. Screenshots, Recordings, and Photographs

- 15.3.1. Participants, Guests, and any member of the General Public are precluded at all times from taking screenshots or recordings during Moot Court Sessions.

- 15.3.1.I. Any of these actions will be subject to Penalty or Removal from the competition.
- 15.3.2. The Walker Health Law Moot Court Committee may and shall take screenshots, photographs of the Participants, Teams, or All Courtroom Participants, during the Virtual Court Sessions and the Award's Ceremony.
  - 15.3.2.I. All teams, pursuant to registration under this Competition, automatically consent to the transfer of sole ownership and any rights in the recording, display, transmission, and publication of these visual images on the Walker Health Law Moot Website, YouTube, or any electronic or digital distribution or reproduction of such visual image or display lasting for any time or duration.

## **16. Facta Penalties**

### **16.1. Point Deduction (Facta)**

#### **16.1.1. *Late Submission***

- 16.1.1.I. A Late Submission, regardless of the reason proffered by the Team or Participant, shall be Penalized by a deduction of ten (10) points per day late.

#### **16.1.2. *Page Limit***

- 16.1.2.I. Facta exceeding twenty (20) pages will be Penalized five (5) points per page over.

#### **16.1.3. *Format***

- 16.1.3.I. Failure to meet the requirements detailed in the Facta Formatting section of these Rules (see 6.4) will result in one (1) point being deducted, per violation, from the Factum's Score.

#### **16.1.4. *Identifying or Personal Information***

- 16.1.4.I. Failure to *omit* any of the following references, if contained in Facta, will result in a deduction of five (5) points:

- I. *Participant names;*
- II. *Address(es) or any Personal Information;*
- III. *Year of Study; or*
- IV. *Program of Study.*

- 16.1.4.2. All Teams must only refer to their *Team Numbers (#)* in their Facta, and nothing more, unless stated otherwise in these Rules.

#### **16.1.5. *Arrangement***

- 16.1.5.I. Failure to include any of the following sections (listed below), or to include them in the *same order as below* will result in a deduction of two (2) points per violation:

- I. Cover Page;
- II. Table of Contents;
- III. Overview;
- IV. Statement of Facts;
- V. Questions in Issue;
- VI. Statement of Argument;
- VII. Order Sought; and
- VIII. Table of Authorities.

### **16.I.6. Cover Page**

16.I.6.1. Failure to include any of the following will result in a point deduction of one (1) point per violation:

- I. Title (“*Factum for Plaintiff – Stark*”, or “*Factum for Defendants – Lutzeier & Toronto General Hospital*”)
- II. Court Name (*Ontario Superior Court*);
- III. Team Number;
- IV. Competition Year (*2022*); or
- V. Style of Cause.

## **17. Oral Argument Penalties**

### **17.I. Point Deduction (Oral Arguments)**

#### **17.I.1. Panel Members**

17.I.1.1. After providing *one (1) warning* to a Counsel Member or Team, concerning outbursts and unprofessional conduct, a Panel member may deduct up to five (5) points from that Counsel Member or Team, upon failure to heed such warning.

#### **17.I.2. The Walker Health Law Moot Committee**

17.I.2.1. The Walker Health Law Moot Committee has the power and ability to impose or determine any additional Penalties, such as Disqualification, where it deems it appropriate.

## **18. Non-Specified Penalties**

### **18.I. Penalties**

18.I.1. Where a Specific Penalty is not indicated in the above Rules, the size, form, type, duration, severity, and nature of the Penalty shall be determined by the Chair or Walker Health Law Moot Committee, and only this Committee.

18.I.1.1. The Chair or Walker Health Law Moot Committee has the ultimate authority and power, where a Specific Penalty is not indicated in the above Rules, to decide and determine which penalties it imposes.

18.I.1.2. The Chair or Walker Health Law Moot Committee has the ultimate authority and power, where a Specific Penalty is not indicated in the above Rules, to impose or waive such Penalties.

APPENDIX A  
WALKER HEALTH LAW MOOT SCORE SHEET (FACTUM)

**Team Number (#)**

»

**1. Stylistic Considerations**

- » Did the Team use clear and understandable language?
- » Did the Team's factum exhibit appropriate paragraph and sentence structure?
- » Did the Team's factum flow well?
- » Did the Team's factum exhibit grammatical or spelling errors?

**Allocation of Points (10 points to be awarded):**

» Score =     /10

**Feedback:**

»

**2. Organization**

- » Did the Team use clear headings, sub-headings, etc.?
- » Did the Team's factum flow well, giving heed to the Team's organization of the factum's contents, and presentation of facts, issues, and arguments?
- » Where the Team's strongest arguments identifiable?

**Allocation of Points (10 points to be awarded):**

» Score =     /10

**Feedback:**

»

**3. Arguments**

- » Did the Team properly apply the law to the facts, issues, and the drafting of their arguments?
- » Did the Team's factum exhibit proper development of issues and arguments?
- » Did the team apply too much weight or space to making unnecessary or out of scope arguments?
- » Did the Team present arguments in a persuasive fashion?
- » Did the Team use clear headings, sub-headings, etc.?

**Allocation of Points (60 points to be awarded):**

» Score =     /60

**Feedback:**

»

**4. Authorities**

- » Did the Team make use of appropriate authorities in drafting their factum?
- » Does the factum display a broad ranging number of authorities sufficient in lending credence to the overall validity and persuasiveness of the arguments presented therein?
- » Did the Team consistently provide appropriate citations?

**Allocation of Points (15 points to be awarded):**

» Score = /15

**Feedback:**

»

**5. Creativity**

- » Did the Team exhibit a level of creativity in the drafting of their arguments, either in formulation, presentation, description (analogy, etc.), or any creative aspect you deem worthy of reward?

**Allocation of Points (5 points to be awarded):**

» Score = /5

**Feedback:**

»

**Total Points Awarded – Factum**

» Score = /100

APPENDIX B  
WALKER HEALTH LAW MOOT SCORE SHEET (ORAL ARGUMENTS)

**Team Number (#)**

»

**Orator's Name**

»

**Date & Time**

- » Date:
- » Time:

**1. Presentation Skills**

- » Did Counsel present their arguments effectively, in a coherent and compelling manner?
  - Heed should *also* be given to speed, level of comfort, explanations (analogies, etc.), volume, tone, and overall presentation style.
- » Did Counsel exhibit satisfactory etiquette in addressing members of the bench and opposing counsel?
- » Did Counsel interrupt opposing counsel or a member of the bench?
- » Did Counsel make eye contact with members of the bench during presentation of their oral arguments?
  - For the purposes of Virtual Court, eye contact here refers to whether the Participant was unnecessarily looking off camera? Were their eyes down? Was their head down? Were they looking around the room? Etc.
- » In promulgating arguments, did Counsel argue from memory, outline, or merely recite their written arguments?
- » Did Counsel command the attention of the court?

**Allocation of Points (40 points to be awarded):**

- » Score =     /40

**Feedback:**

»

**2. Answering Questions**

- » Did Counsel address questions in a commendable manner?
- » Did Counsel appear to be well-versed in the subject-matter of the case and their arguments?
- » Did Counsel maintain composure during questioning and answering?
- » Did Counsel effectively transition back to their line of arguments after answering the bench's question (did they have to refer back to their notes? Did they transition back from memory?)



- » Did Counsel meritoriously concede on arguments/issues where necessary?
- » Did Counsel answer the bench's questions directly?
- » When, or if, presented with a hypothetical or off-topic question, did Counsel re-focus the bench's attention back to the relevant issue in a commendable manner?

**Allocation of Points (20 points to be awarded):**

- » Score = /20

**Feedback:**

»

**3. Presentation Organization and Arguments**

- » Did Counsel apply the facts of the case in making their arguments?
- » If Counsel made policy arguments, were they applicable and logical?
- » Did Counsel's arguments flow effectively?
- » Did Counsel make efficient use of the time allotted?
- » At the beginning of their presentation, did Counsel present the court with a comprehensive roadmap?
- » Did Counsel refer to relevant Precedents or Authorities?
- » Did Counsel effectively rebut opposing counsel's arguments?
- » Did Counsel put forth strong and compelling arguments?
- » Did Counsel make a conclusion, and if so, was it clear and compelling?

**Allocation of Points (40 points to be awarded):**

- » Score = /40

**Feedback:**

»

**Total Points Awarded – Presentation**

- » Score = /100

APPENDIX C  
WALKER HEALTH LAW MOOT COVER PAGE (TEMPLATE)

CITATION: Stark v. Lutzeier, 2022 ONSC 2821  
COURT FILE NO.: CV-13-2651-CP  
DATE: [ \* ]

ONTARIO  
SUPERIOR COURT OF JUSTICE

**B E T W E E N:** )  
)  
SAM STARK ) *Ellen Woods, for the Plaintiff*  
)  
)  
)  
Plaintiff )  
)  
- and - )  
)  
JUSTIN LUTZEIER and TORONTO )  
GENERAL HOSPITAL )  
) *Louise Waltz Stedman, for the Defendant*  
) Toronto General Hospital  
)  
) *Aimee Patterson Lee, for the Defendant*  
) Justin Lutzeier  
)  
Defendants )  
)  
)  
) **HEARD:** February 26 & 27, 2022  
)

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**FACTUM OF THE PLAINTIFF  
(SAM STARK, PLAINTIFF)**

(Pursuant to Rule 6 of *The Walker Health Law Moot Rules of the Walker Supreme Moot Court for Medical Malpractice*)

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**TEAM (#)**  
Counsel for the **Plaintiff/Defendant**

The Walker Health Law Moot, 2022