



THE WALKER HEALTH LAW MOOT PROBLEM 2021

Armstrong v. Royal Victoria Hospital 2019 ONCA 963

1. The reasons and judgment of the Ontario Court of Appeal in *Armstrong v. Royal Victoria Hospital* 2019 ONCA 963, (2019) are appealed to the specialized Walker Supreme Moot Court for Medical Malpractice Appeals.
2. Upon appeal, the questions at issue are:
 - **(Issue A) Standard of Care:**
 1. What is the requisite standard of care for medical negligence in Canada, as correctly applied to this case?
 2. Whether causation can, or ought ever, be used as circumstantial evidence to inform the standard of care?
 3. Whether the plaintiff has the duty to rule-out non-negligent causes?
 - **(Issue B) Standard of Review:**
 1. Whether the Majority erred in applying a correctness standard of review, and if so, what was the appropriate standard of review it ought to have applied?
3. Any of the other issues raised before the Ontario Court of Appeal and the trial court are not appealed here.
4. **Please heed:** this year's moot problem is an actual case being brought before the Supreme Court of Canada, and therefore, each team's submitted factums shall be their own original works, rather than reproductions or copies of pre-existing materials which the "actual" parties filed.
5. The Walker Health Law Moot is implemented with the express purpose of enabling participants to strengthen advocacy abilities, and specialized skills which pertain to medical malpractice issues. Therefore, participants should not seek to address or put forth any arguments relating to matters or areas of law irrelevant to answering the issues on appeal.