



From left to right: Owen Rees (Director), Sheila Block (Ontario Chair), Daniel Jutras (Quebec Chair), Frank Iacobucci (National Chair), John Hoyles (CBA), Grégoire Webber (Director). Absent: Richard Peck (British Columbia Chair).

Supreme challenge

A new advocacy institute offers first-time Supreme Court litigators a unique trial run.

For many litigators, the ultimate test of their skill comes when they are called to appear before the Supreme Court of Canada. Most counsel will readily admit feeling nervous before any trial, let alone a case heard by Canada's top court. There, the litigator faces a panel of judges — all of whom have the right to comment, question, probe a position or dissect an argument. For the uninitiated, the lead-up often amounts to intense preparation for the unexpected.

Now, a group of leading advocates from across Canada have launched a unique program designed to offer first-time Supreme Court litigators the opportunity to hone their oral argument skills in preparation for that first appearance in front of the country's highest court.

Developed by two former Supreme Court clerks, Owen Rees of Toronto and Grégoire Webber of Montreal, under the guidance of retired Supreme Court Justice Frank Iacobucci, the Supreme Court Advocacy Institute was launched Feb. 22 in Ottawa at a reception co-sponsored with the Canadian Bar Association. The Institute is modeled on a similar, highly successful program offered by the Georgetown Law School in Washington, D.C.

The Institute's Chair, Mr Iacobucci, says the program will focus on legal argument in the Supreme Court — a unique challenge in itself.

"The dynamics of a full bench of the Supreme Court, the special focus on questions of law and policy, and the compressed time limits are quite different from those found in trial and intermediate appellate courts," he said, speaking in a room lined with hundreds of books detailing Canadian legal decisions since the country's creation. "Needless to say, the stakes are high."

Practice is key to ensuring that counsel is properly prepared.

Counsel will get the chance to don gowns and argue before special advocacy panels — also gowned, in an effort to give the simulation an authentic feel — made up of three or more senior appellate

counsel, former Supreme Court law clerks, and law professors selected from a pool of advocacy advisors.

The panel, in turn, will do their best impression of the Supreme Court justices, asking questions, interacting with counsel — and each other — and requesting clarifications. Each mock hearing will last for an hour, followed by an hour of feedback.

Operating in regional centres across the country — Montreal, Ottawa, Toronto and Vancouver are already in place, with Calgary and Halifax coming in the near future — the programs are aimed at Supreme Court novices and experienced counsel alike, whether they're in private practice or government counsel.

"A number of advocates with the resources of government or national firms have tapped the expertise of leading Supreme Court counsel by conducting practice sessions," Iacobucci said. "But an institutionalized, public service offering regular access to counsel in a practice session has not, until now, been in place."

Counsel scheduled to appear in front of the Supreme Court and who are interested in sharpening their skills can apply to the Institute through their website at <http://www.scai-ipc.ca>.

— Jared Adams

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