

CBA CONFERENCE — DUBLIN

Get tips on top court advocacy skills at mock appeal

How does one develop winning advocacy skills when clients are increasingly hesitant to proceed to a costly trial and appeal? How can one perfect one's oral argument in advance of appearing before a court? The challenge for lawyers today is to develop effective advocacy skills without the opportunity to be regularly on one's feet. When appearing before the Supreme Court of Canada for the first time, the challenge is compounded by the final court of appeal's unique forum as well as novice counsel's lack of experience.

At this year's Canadian Bar Association in Dublin, Ireland, a retired judge of the Supreme Court and a panel of seasoned Supreme Court counsel will discuss these challenges after a mock appeal.

The Supreme Court Advocacy Institute and the CBA Young Lawyers' Division will co-host the session. Founded in 2007, the



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institute aims to increase the effectiveness and quality of oral advocacy by providing free, non-partisan advocacy advice to counsel appearing in appeals before the Supreme Court of Canada.

The session will reproduce the experience of an advocacy session with the institute. The mock appeal will be based on a 2008 Ontario court decision in which a devout Sikh was charged with driving a motorcycle without a

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The panel will simulate the experience of oral argument before the highest court by listening to the arguments and offering candid and constructive feedback...

helmet. Counsel will argue that, by requiring the applicant to choose between his religion and the law, the requirement in the *Highway Traffic Act* violates the Charter guarantees of freedom of religion and equality.

The legal issues of religious freedom and reasonable accommodation promise to make for an exciting session. The panel will simulate the experience of oral argument before the highest court by listening to the argu-

ments and offering candid and constructive feedback to help maximize the opportunity to present an informative oral argument. Afterwards, the panel will engage in a more general discussion on the different challenges facing first time and seasoned counsel as they appear before the Supreme Court of Canada.

While the focus is on first time counsel before the Supreme Court, the session will be of interest to all who have appeared

or might appear in the future before the final court of appeal.

The Supreme Court Advocacy Institute's advocacy program allows novice and experienced counsel from government and private practice to refine their advocacy skills before a panel of seasoned Supreme Court advocates. With regional centres in B.C., Alberta, Ontario, Quebec and Atlantic Canada, the institute now forms part of counsels' preparations in 20 percent of cases before the final court of appeal. ■

Christa Brothers is a partner in the Halifax office of Stewart McKelvey. She practises civil litigation, focusing on insurance, commercial litigation and class actions. She will be conducting the mock appeal at the CBA Conference in Dublin. Gregoire Webber is the executive director of the Supreme Court Advocacy Institute.