

LAW 633 - LEGAL WRITING AND WRITTEN ADVOCACY

EXAMINATION

Responses to this examination are to be submitted by email to David Stratas at dstratas@yahoo.com or david.stratas@queensu.ca no later than October 15, 2018 at 18:00 EDT.

Please answer both Part A and Part B. You are to work individually. No collaboration or copying is allowed. There is a class prize for the best submission.

PART A (50% of the assessment) –

Edit the following sentences using the lessons of the course. Try to make them clear, direct, and brief.

1. The intention of the parties is that the resolution of disputes under the agreement be governed by the application of Quebec law.
2. Ms. Hall, during the course of her struggle to provide for her children as a single parent, accrued considerable debt to her family and others.
3. The amount of damages is determined by the measurement of the profit the dealer would have made by the sale of the car.
4. Service will not be effective unless the document is delivered personally or by mail with an acknowledgment of receipt card.
5. Many city dwellers find it a necessity to give up on life as it exists in the city at the present time as a consequence of things such as dirt and crime that finally defeat them despite the fact that on the occasion of their leaving for more rural environs, they often come to the realization that they wish they again had the intensity and excitement that makes life in the city such a stimulating experience.
6. Regardless of the fact that the training program has a long financial problem history and management-staff dispute record because of unclear responsibility definition, it is equally true that in the period of the last few years or so, it has with considerable success placed in the area of 50 percent of its trainees in various different jobs and positions equal to their training and skill-level preparation.
7. By establishing a technique whereby the claims of many individuals can be resolved at the same time, class actions serve an important function in our judicial system in eliminating the possibility of repetitious litigation and providing claimants with

a method of obtaining enforcement of claims that would otherwise be too small to warrant individual litigation.

PART B (50% of the assessment) –

Please examine the introduction in the following factum (paras. 1-8):

https://www.scc-csc.ca/WebDocuments-DocumentsWeb/37896/MM010_Applicant_Bell-Canada-et-al.pdf

In this factum, the applicants seek leave to appeal to the Supreme Court of Canada from a decision of the Federal Court of Appeal.

The Supreme Court grants leave to appeal when it considers that the matter is of considerable public importance or of national importance. In other words, the matter is one of the roughly seventy cases a year it should consider.

When applicants seek leave to appeal, they try to write a factum that persuades the Court that their matter should be heard.

Comment on the writing in these paragraphs. You are to take a position concerning the introduction (paras. 1-8): is it good, bad, or a mixture of the two? Without limiting what you might wish to discuss, comment on whether this introduction works well as an introduction. Also comment on the quality of the writing. Try to persuade me of your position. In writing up your answer, implement the lessons of the course.

There is no correct position to take. As well, this is not a test of your knowledge of law: do not comment on whether the argument is right or wrong in law. I am interested only in your understanding of the lessons of the course and your ability to implement those lessons in drafting your answer. Watch out for spelling, punctuation and grammar errors.

You need not write much. The word limit is 1500 words. If you are able to complete the task using fewer words, by all means do so.

Incidentally, in this case the Supreme Court of Canada did grant the applicants leave to appeal. The appeal hearing will take place on December 4-6, 2018.