

EXAMINATION – Legal Writing and Written Advocacy (LAW-633)

Due date: November 24, 2014 at 17h00. No collaboration. E-mail completed answers in the body of an email, or as an attachment (*.doc or *.pdf format) to dstratas@yahoo.com

1. The following is the short judgment of the Ontario Court of Justice in *R. v. Larocque*, 2014 ONCJ 601:

<http://www.canlii.org/en/on/oncj/doc/2014/2014oncj601/2014oncj601.html>

The Court dismissed a Charter application brought by the accused and found the accused guilty of the offence of driving “over 80”. The Court dismissed another offence based on the Crown’s concession that the evidence did not support conviction.

Assume that counsel for the accused has appealed from conviction. You are counsel for the Crown. The accused’s only ground on appeal is that the officer had no objective grounds to request that he provide a breath sample. The accused has served a factum to that effect, arguing that the evidence before the Court was insufficient to support reasonable grounds.

Your factum is due soon. Draft a maximum of three paragraphs responding to this argument. (Assume it is in the argument section of the factum and you have chosen to introduce facts for the first time in this section, rather than deploying the facts in the facts section.)

Do not engage in any legal research – this is a drafting exercise only. Be sure to employ the writing techniques discussed in class.

2. Edit the following:

(a) In the absence of any proof to the contrary, the court should presume that the administrator’s functions have not ceased.

(b) The right to stop the work is the single most important factor in determining whether a party is in charge of the work within the meaning of the Act.

(c) The plaintiff is not in a position to provide additional affidavits to support its contention that W Corp. and Y Corp. are an integrated enterprise at this time.

(d) A case management conference was held on Sept. 27, 2006, and the result of said conference was that Williams was given an extension of time until Oct. 13 to respond to Damon’s motion. Williams subsequently failed to file any response thereto.

(e) In the event that any employee is requested to testify in any judicial or administrative proceeding, said party will give the company prompt notice of such request in order that the company may seek an appropriate protective order.

(f) This case involves the novel issue of whether or not a minor is responsible for the damages sustained by a restaurant in lost profits resulting from a liquor licence suspension caused when the minor orally misrepresented his age to the owner of the restaurant who thereafter sold liquor to him.