February 14, 2019

2019 Lenczner Slaght/CLA Gale Cup Moot Takes Place February 15-16

Lenczner Slaght are pleased to announce the continued partnership with the Criminal Lawyers' Association ("CLA") as co-sponsors of the Gale Cup. The CLA is Canada's largest criminal law specialty association and a leading voice for criminal justice and civil liberties in Canada. We are excited to working with one of the leading criminal law organizations in Canada.

The Lenczner Slaght/CLA Gale Cup Moot, one of Canada's most prestigious bilingual law school mooting competitions, takes place February 15-16 at Osgoode Hall in Toronto, with 18 law schools from across Canada participating.

The competition will open with a special welcome reception in the lobby of Lenczner Slaght's offices on Friday, February 15. "The Gale Cup offers young advocates the chance to test their skills at the beginning of their careers," said Tom Curry, managing partner of Lenczner Slaght. "We are very excited to know that our sponsorship is supporting the development of tomorrow's great lawyers".

"The Criminal Lawyers' Association is delighted to be continuing our involvement in the Gale Cup Moot. The Gale Cup is Canada's premier criminal law moot. The level of advocacy we see from the participants each year is truly outstanding. It is a thrill for the CLA to watch the future generation of criminal lawyers in action. Their passion for criminal law and their commitment to excellence is inspiring" says CLA Vice-President, and Gale Cup Co-Chair Daniel Brown.

The CLA assists its members in every aspect of the practice of criminal litigation. We develop and host continuing education programs for criminal law practitioners and law students.

In addition to the Gale Cup and other team and individual awards, the McLachlin Prize will be awarded to the best female mooter on Saturday, February 16 at Osgoode Hall. The Honourable Justice Sheilah Martin of the Supreme Court of Canada will deliver the after-dinner keynote address at the gala awards banquet.

This year's case is *R v Marakah*. In *R v Marakah,* 2017 SCC

59, a search warrant led to the discovery of text messages Nour Marakah had sent to his accomplice about trafficking a firearm located on his accomplice's cell phone. At Marakah's trial, the prosecution tried to rely on the evidence illegally found on his accomplice's phone to convict him. Marakah asserted that he retained a privacy interest over the text messages, even after the messages reached their destination on the cell phone of his accomplice. The Supreme Court of Canada agreed that privacy interests can attach to cell messages found on someone else's phone and overturned his convictions. In a 7-2 decision, the majority of the Supreme Court found that Marakah retained a privacy interest in his text messages and therefore had standing to challenge the search and the admission of the evidence of the text messages recovered from the phone. The dissenting Justices concluded Marakah did not have a reasonable expectation of personal privacy in his text message conversations once they were sent and therefore lacked standing to challenge the search of his accomplice's phone. They would have admitted the evidence of gun trafficking and upheld the criminal convictions.

Students taking part in the Lenczner Slaght/CLA Gale Cup Moot are permitted to moot in either English or French, with simultaneous translation provided for oral arguments.

About Lenczner Slaght/CLA Gale Cup Moot

Founded in 1974, the Lenczner Slaght/CLA Gale Cup Moot provides top law students across the country with the chance to argue a Constitutional law case before three judge panels hearing a mock appeal from a real-world decision of the Supreme Court of Canada. Judges from across Canada make up the judging panels. Alumni of the Gale Cup include some of Canada's best-known lawyers and most respected legal minds, such as former Supreme Court of Canada Justice, Thomas Cromwell, who won the Gale Cup Moot in 1976.

For more information on the Lenczner Slaght/CLA Gale Cup Moot, visit www.galecupmoot.com.

About Lenczner Slaght

Recognized as Canada's leading litigation practice, Lenczner Slaght has successfully represented clients' interests in complex, high-profile cases across the country. The firm's lawyers are distinguished by their depth of courtroom experience, appearing regularly at all levels of the federal and provincial courts and before professional and regulatory tribunals, as well as in mediation and arbitration proceedings. Lenczner Slaght is also known for its wealth of talent: the firm's

partners, ranked among the best of their peers nationally, lead a recruitment and mentoring program that attracts gifted litigators who are committed to upholding the highest professional standards.

From commercial disputes, class actions and cross-border disputes to administrative law and professional regulation, Lenczner Slaght brings expert strategy – backed by rigorous research, skilled data management and solid administrative support – to demanding cases in all areas of litigation. Founded in 1992, the Toronto-based firm has a diverse roster of clients that ranges from individuals and small businesses, to large and multinational companies, to professional associations and regulatory bodies. The firm's 60 lawyers are focused exclusively on litigation.

About the Criminal Lawyers' Association

The CLA is one of the largest specialty legal organizations in Canada, with more than 1,450 members. We are a voice for criminal justice and civil liberties in Canada. Our advice and perspective is sought by all levels of government and the judiciary on issues relating to legislation and the administration of criminal justice. We are an affiliate of the U.S. National Association of Criminal Defence Lawyers and work closely with The Canadian Counsel of Criminal Defence Lawyers (CCCDL), The County and District Law President's Association (CDLPA) and other key stakeholders. For more information, please go to www.criminallawyers.ca.

To download the official press releases, click here: French or English.

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