

Law school holds moot court

Third-year law students David Rogers and Gordon Woodland are the 1982 winners of the Harrison Memorial Shield Moot Court competition at the University of New Brunswick, Fredericton. Mr. Rogers is the son of Mr. and Mrs. Eldon Rogers of 58 Collins Street, Saint John. Mr. Woodland is a native of St. John's, Newfoundland.

Their opponents in the competition were third year law students Frances McGinn of Fredericton, and Doran Hallett, son of Mr. and Mrs. Edmund Hallett of 312 Louis Avenue, St. Catherines, Ontario.

Sitting on the bench for the moot court were Mr. Justice LaForest of the N.B. Court of Appeal, Mr. Justice Dickson of the Court of Queen's Bench and Mr. Justice Harper of the N.B. Provincial Court.

The twentieth annual Harrison Shield moot court was held in mid-March at the UNB faculty of law. A moot court (mock court) is run like a court of appeal. The guilt or innocence of the appellants is not argued, only the process of the law as it applies to their case.

This year's hypothetical case

was written by Gary Miller, UNB graduate and a practicing lawyer in Fredericton. In "Klipp and Roach versus the Crown", the two defendants had been convicted of conspiracy to traffic in a narcotic. The case was appealed to the Mythical Supreme Court of Ludlow Hall (where the law school is located) on three grounds.

First, in order to obtain evidence, the police planted electronic surveillance equipment in the Klipp house through surreptitious entry. The appellants claimed this was not admissible evidence.

Some of the evidence obtained in this manner was from conversations between Klipp and his wife, so the defendants contended this was not admissible either because of spousal privilege.

Finally, prior to his conviction, Roach was approached by a federal prosecutor from Halifax who asked Roach for his cooperation in convicting a drug felon there. The Halifax prosecutor promised to withdraw the charges against Roach, so Roach complied with the request for evidence. However, the federal prosecutor in Fredericton refused to honour the deal and Roach was tried anyway. The ap-



1982 Harrison Shield moot court participants (left to right): Gordon Woodland, David Rogers, winners of the Harrison Shield; Frances McGinn; Mr. Justice LaForest; Doran Hallett; Mr. Justice Dickson; and Mr. Justice Harper.

pellants' suit claimed this was an abuse of process.

Representing the appellants were Ms. McGinn and Mr. Hallett. Mr. Rogers and Mr. Woodland represented the Crown in the moot court.

The justices found in favour of the appellants, deciding that while the electronic surveillance had produced ad-

missible evidence, Klipp's conversations with his wife were subject to spousal privilege and were not admissible. Therefore, there were not sufficient grounds on which to try the case. In addition, the justices agreed that there had been an abuse of process when the federal prosecutor

did not honour Roach's agreement with the Halifax attorney.

However, the justices awarded the Harrison Shield to Crown prosecutors David Rogers and Gordon Woodland based on the quality of their presentation and arguments.

Fleming is Viscount lecturer

Legal complications of medicinal drug use will be the topic of the 1982 Viscount Bennett Memorial Lecture in law at UNB. John G. Fleming of the

University of California will address the question, "Are Special Compensations Plans for Victims of Pharmaceuticals Justified?"

The lecture will begin at 8:15 p.m., Tuesday, March 30 in room 2 (the auditorium) of Ludlow Hall, the UNB law building.

Prof. Fleming is recognized as one of the leading scholars in the area of tort law, whose writings on the subject of negligence are considered standard references for students, lawyers and judges.

Law executive elected

The UNB law society has a new president. He is second-year law student Art Barry from Saint John. The vice-president is Cathleen Petruch, a first year student from Moncton.

Second year Fredericton student Ken Oliver was elected to

the position of secretary, and Geoff Machim of Saint John was elected as the new law society treasurer.

Flat-earther to lecture

The president of the Flat Earth Society, Dr. Leo Ferrari, will lecture next Wednesday, March 31, at 12:30 in HC13.

With the aid of slides, this talk will show how there is more than one way of looking at the "basic truths that have been conscripted to promote popular deception about the nature of the earth.

Dr. Ferrari's lecture is entitled, *Planoterrestrialism and Popular Prejudices*. Ferrari is a professor of philosophy at Saint Thomas University, and is visiting at the School of Computer Science for the academic year 1981/82.

YEARBOOK

Any U.N.B. student interested in being the Editor or Co-Editors of the Up The Hill Yearbook, please apply to the Applications Committee outlining experience, by April 2, 1982. Applications can be forwarded to the S.R.C. Office, Room 126, S.U.B.

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