

QUESTIONS FOR JUDGES

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JUDGES SPEAK TO THE BAR

I. INTRODUCTION

II. DISCUSSION

1. Issues Implicated in Deciding an Action

a. Looking Beyond the Parties' Initial Briefs

The Panel will examine the issues implicated when initial briefs do not address an issue or do not clearly state the issues at bar.

b. Standard of Review/Burden of Proof Analysis

The impact of the standard of review and burden of proof on the ultimate decision reached will be discussed.

c. Admission of Evidence

The Panel will discuss the issues implicated when a party belatedly seeks to introduce evidence.

2. Rehearing

This topic examines the issues faced by the Bench and Bar in deciding to file and in analyzing a motion for rehearing.

3. Equity's Role in Decision-making

The effect, if any, of equity in the process of decision-making will be analyzed.

4. Judging a Case

Internal processes regarding decision-making within the Court will be touched on.

5. Mediation

This topic will evaluate the role of mediation in Court of International Trade litigation.

6. WTO/NAFTA and the Court

The Panel will discuss the degree to which non-Court of International Trade developments should be communicated to the Court.

III. QUESTIONS FROM THE AUDIENCE