LAW SCHOOL

The Grand River Dollar: a Case Brief

A Nation's currency, federal payments law, and the Constitution.

The issue

How do federal laws on currency, retail payments and money laundering apply to the Grand River dollar, a fully backed payment token redeemable at par; and does the class's s 109 interest affect that analysis?

The instruments

Instrument	Date	What it does
Currency Act	RSC 1985, c C-52	Legal tender and the unit of currency
Retail Payment Activities Act	SC 2021, c 23, s 177	Registers and supervises payment service providers
Proceeds of Crime (Money Laundering) and Terrorist Financing Act	SC 2000, c 17	Reporting and record-keeping
Criminal Code, s 457	RSC 1985, c C-46	No likeness of a bank note

The statutes

Currency Act, RSC 1985, c C-52.

Retail Payment Activities Act, SC 2021, c 23, s 177.

Proceeds of Crime (Money Laundering) and Terrorist Financing Act, SC 2000, c 17.

Criminal Code, RSC 1985, c C-46, s 457.

The cases

Reference re Securities Act, 2011 SCC 66

The limits of federal authority over trade and commerce, and the place of provincial regulation.

Manitoba Metis Federation Inc v Canada (AG), 2013 SCC 14

The honour of the Crown in dealings with Indigenous peoples.

The arguments

	For the regulator	For the Nation
Legal tender	Only Canadian currency is legal tender	The GR$ is not legal tender; it is a voluntary payment token at par
Payments law	The issuer is a payment service provider and must register	The Nation will meet recognized standards; registration is a question of form
Money laundering	Reporting duties apply	The Nation adopts them voluntarily and publishes reserves daily
Design	No likeness of a bank note (s 457)	Its notes bear no likeness to Bank of Canada notes

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Weak points to test

For the Nation: payments law’s plain application; the regulator’s view of who is an issuer. For the regulator: full backing and daily proof exceed many registered providers; how federal regimes apply to a Nation’s own instrument is untested.

Briefing note

A payments regulator asks how to treat the Grand River dollar. In 150 to 200 words, advise the regulator: what the instrument is, which regimes may apply, and what assurance the daily proof of reserves gives. Write it as a briefing note: purpose, background, considerations, recommendation.

Moot problem

A regulator orders the Nation to register the Grand River dollar’s operator as a payment service provider. The Nation applies for judicial review, arguing the order misreads its instrument and ignores its daily proof and the honour of the Crown.

For the Nation: the instrument’s design, its voluntary compliance, MMF. **For the regulator:** the statute’s words and purpose. **For both:** how federal regulation meets a Nation’s own institution.

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A worked outline: IRAC

Step	For the Nation
Issue	Was the registration order reasonable?
Rule	The Retail Payment Activities Act; the honour of the Crown.
Application	The instrument is fully backed, redeemable at par and proven daily; the order ignored the Nation’s own regime.
Conclusion	The order set aside and remitted for reconsideration.

The regulator’s outline runs the same four steps the other way. Students draft it themselves.

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Written assignment: memorandum of argument

The task

Write the memorandum of argument for one side of the moot on this sheet: the Nation or the regulator, as your instructor assigns. Then argue it.

Requirements

- 2,500 words, not counting the list of authorities.
- Every authority cited in McGill Guide form, with pinpoints.
- At least six authorities, including at least two not on this sheet.
- Meet the other side’s best argument in Part III, not just your own case.
- Only facts set out in the moot problem; no new facts.

Structure

- Part I, the facts: a neutral statement, no more than two pages.
- Part II, the issues: each as a single question.
- Part III, the law and argument: issue by issue, the rule, its application, and the other side’s answer met.
- Part IV, the order sought: precisely worded.
- Part V, the list of authorities: statutes, then cases, then secondary sources.

Timeline

- Week 1: research; a one-page outline of your issues and authorities.
- Week 2: the full memorandum, exchanged with the other side.
- Week 3: oral argument.

Oral argument

Fifteen minutes a side, two minutes’ reply for the applicant. Expect questions from the bench from the first minute; the marking guide on the instructor’s page applies.

Integrity

Your memorandum must be your own. If you use an AI tool for research or drafting, verify every authority against the reports and say so in a note; an invented citation fails the assignment.

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For the instructor: standards met

Universal competencies	Identify key facts and claims; Understand perspective and point of view; Analyse and evaluate evidence; Apply: what does this mean for us?. The same everywhere, whatever the curriculum.
TRC Call to Action 28	Economic development and Indigenous institutions (Call 92), within federal regulatory law.
National Requirement	Problem-solving, legal research, and oral and written communication.
Citation	The McGill Guide; pinpoints left for students to supply.
Method	IRAC; a briefing note to a regulator; a moot on judicial review.
Balance	The arguments both ways and their weak points; the brief names its own position.
Time	One class of 90 minutes; the moot as a separate session.

Marking guide: the moot

	Outstanding	Strong	Competent	Weak
Law	Every authority on point, accurately stated and pinpointed	Main authorities correct	Some missed or loose	Wrong or absent
Analysis	Applies the law to the facts and meets the other side's best point	Applies the law clearly	Applies it in part	States law without applying it
Structure	A clear road map, followed throughout	Clear and mostly followed	Some drift	Hard to follow
Advocacy	Answers the bench directly and returns to the theory	Answers well	Answers with difficulty	Avoids the questions

This brief sets out the Mohawk Nation of Grand River's position beside others, for study and argument. The case summaries are for teaching: read the reports. It is not legal advice.

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