LAW SCHOOL

The Million Acre Wall: a Case Brief

Fundraising, representations and consumer protection.

The issue

Does the Million Acre Wall's presentation of acres, plans and tokens risk a false or misleading representation under the Competition Act, judged by the general impression on an ordinary supporter; and are its disclaimers sufficient?

The instruments

Instrument	Date	What it does
Competition Act, ss 52, 74.01	RSC 1985, c C-34	Prohibits false or misleading representations
The Public Support Plan	2026	Records each mark, with its disclaimer
"What a mark is, and is not"	2026	The Nation's disclaimer

The statutes

Competition Act, RSC 1985, c C-34, ss 52, 74.01.

Consumer Protection Act, 2002, SO 2002, c 30, Sch A.

The cases

> ***Richard v Time Inc***, 2012 SCC 8
> A representation is assessed by the general impression it gives to a credulous and inexperienced consumer.

The arguments

	For a complainant	For the Nation
General impression	Acres on a map suggest land	Every Plan says, plainly, a mark is not land or a claim
Price per acre	Pricing by acre suggests a sale	A unit of support, like a brick on a wall
Tokens	Suggest an investment	Not for resale; the Plan stays with the supporter
Transparency	Unclear use of funds	Treasury confirmation and a public Ledger

Weak points to test

For the Nation: the general impression test is strict; maps of the Tract are emotive. For the complainant: the disclaimer is prominent and repeated; no resale; public records.

Briefing note

> A consumer-protection officer receives a complaint that the wall implies supporters are buying land. In 150 to 200 words, advise the officer: how to assess the general impression, the disclaimers, and what changes, if any, to recommend. Write it as a briefing note: purpose, background, considerations, recommendation.

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Moot problem

The Commissioner of Competition alleges the wall’s acre-based presentation is misleading. The Nation answers that its disclaimers and records leave no false general impression.

For the Nation: the disclaimers, the Plans, Richard v Time applied fairly. **For the Commissioner:** the map, the pricing and the tokens. **For both:** what an ordinary supporter would take away.

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A worked outline: IRAC

Step	For the Nation
Issue	Does the wall give a false or misleading general impression?
Rule	Competition Act ss 52, 74.01; Richard v Time.
Application	An ordinary supporter sees, on every page and Plan, that a mark is support, not land; prices are per acre of support; tokens are not for resale.
Conclusion	No misleading representation.

The Commissioner’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 Commissioner, 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 institutions; consumer protection.
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 consumer-protection officer; a moot under the Competition Act.
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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