

The Dark Side of the Moot¹: Arte et Marte²

Mark O'Loughlin³

The terms of Mark O'Loughlin, Laretta Nwadiogwu and Jenna Harvey (who sadly left us) as the Law Society Mooting Officers was characterised by

Instead let me take you back to the beginning. Jennifer Marsallsay and Luke Garrett had come to the end of their tour in Summer 2008 and it was time for new blood. So the call for applicants to be elected to the Law Society Committee went out. All places except one were subject to fierce(ish) contest. The post of Mooting Officer was the exception, though it is the jewel in the crown, the post of heavyweights. There was one applicant and so it came to pass that I was appointed. Jenna and I set ourselves the following missions:

- Winning the annual Ashford's Moot against the Bracton Law Society, Exeter University, either in Exeter or here in Plymouth.
- Disposing forever of the hateful *Paper v Cotton* problem in the first round of the Internal Moot.
- Obtaining prizes which promoted the careers of the contestants in the internal moot.

Summer 2008 was taken up with a lot of planning in which I was supported by Laretta (who had taken over from Jenna as Assistant Mooting Officer), Fiona Bee (President of the Law and Criminal Justice Society) and Ann Lyon (Staff-Student Mooting Liaison). The Autumn term started and the committee worked the circuit of Fresher's Fairs and the Meet and Greet of the first years (and second and third years).

¹ Apologies to Pink Lloyd. (Footnotes by Ann Lyon).

² This is the motto of the Royal Electrical and Mechanical Engineers, in which Mark O'Loughlin served before he heard the call to become a law student: *Arte* = ablative case with second declension, 'With/By Skill; *Et* = 'and' *Marte* = again ablative case with first declension, With/By Mars (Mars being the Roman god of war). Therefore, colloquially, 'By Skill and Fighting.'

³ Mark is now a postgraduate student on the Legal Practice Course at Plymouth.

Cutting to the chase. We organised an introduction to mooting lecture supported by Piers Norsworthy and Russell James of Devon Chambers. Joyce Adjei and Laura Hicks showed the audience how mooting should be done. For the Ashford's Moot we needed 20 novice contestants that we had to train in, amongst other things: the dark arts of argument, writing skeleton arguments and to brief the team on the rules. This was an intense process but it is believed we all came through unscathed.

So it was in mid-November we had our team and we went to Exeter where the hard work and effort paid off. Second year students, Marc Harris, supported by his partner Abram Azar won. Of the top ten places six were taken by Plymouth teams. Mission #1 accomplished.

It was a cold November day when Laretta sent out the first round problem for the Internal Moot. It was not *Paper v Cotton*. Mission #2 accomplished.

Given the basis of my appointment as the only contender for the post of Mooting Officer, I looked on my term as one of reconstruction and consolidation, which explains the lack of entry into external competitions. It is freely admitted that I borrowed shamelessly from the work that Jennifer and Luke had done the previous year, and from what I learnt on my reconnaissance to Exeter prior to the Ashford's Moot. It is also true that I logged on to the Bracton Law Society web page to learn what I could from them – I did tell them what I was doing, Sun Tzu would be so proud.⁴

Time passed and with the kind assistance of King's Bench Chambers we obtained the prize of two mini-pupillages for the winners of the Internal Moot. Mission #3 accomplished.

The Internal Moot. We were fortunate to be supported by: Professor Paul Todd who was kind enough to write a new moot question, Dr Andrew Clark and Ann Lyon, all three of whom bore the brunt of judging the first three rounds. Devon Chambers and King's Bench Chambers stepped up to the plate and provided judges for the quarter-finals, semi-finals and final.

⁴ Sun Tzu was an early military theorist, to whom is attributed that favourite adage, 'Time spent in reconnaissance is seldom, if ever, wasted.'

In all 36 teams entered the internal moot. Buoyed up by their success at Ashford's, it was good to see that virtually everyone who went to Exeter entered the Internal Moot, and did extremely well in progressing to the quarter-finals and beyond.

March found us all in Court Three of the Plymouth Crown Court building for the final, contested by Luke Fisher and Thomas Edwards (both LPC students) who had finished second at Ashford's the previous year, against first-year students David Murray and Jacqueline Scott, who had finished third at Ashford's this year. It was a very close match in front of a packed court. The audience had to fill the jury box (at one point we thought we might need to put people into the armoured dock). The full house seemed to please the bench composed of His Honour Judge Taylor and Messrs William Higginson and Ali Rafati of King's Bench. It is now part of history that David and Jacqueline won. However, everyone who enters these competitions deserves an honourable mention as it takes quite a lot of hard work to prepare for each round and guts to put yourself on the line to perform.



Reading this one might begin to think our term was one of unmitigated success - it was not. Two missions failed: we did not receive any faculty backing to take a team to Florida for the Susan J Ferrell moot (such is life) and my own plan for a selection process to take a team to Exeter did not work but in the event it did not need to. There were ups and downs but generally more of the former and to a very large extent it is believed that we achieved our aims.

Mention has been made of many people who helped make last year into what I believe was a success. However, I have not mentioned Fiona Bee who backed Laretta and me all the way. Last, but not least, there is Laretta who was quite simply the best.⁵ *Arte et Marte* worked for us.

⁵ Laretta's organisational skills and continued good humour whatever the pressure on her were incredible.