

THE SUPREME COURT: CAPTURED THROUGH THE EYES OF THE FINALISTS

***Laura D'Alessandro, Stephen Gibson,
Samuel Castlehouse and Jacob Cunningham¹***



Interview by 'Cuthbert von Tinklebaum' (CT)²

The moot competition of any law school is a traditional outing for most budding advocates, but the University of Plymouth had something special to offer in 2016 when it was announced that the finale to its moot competition will be held in the United Kingdom Supreme Court (UKSC). The UKSC handpicks universities from a wealth of applications to hold their moot finals in one of its chambers, to be judged by a Justice of the Supreme Court and the success of Plymouth's application was only surpassed by the news that Lord Neuberger, the President, would be overseeing the proceedings.

The moot problem was devised around the law of trusts and equity thanks to Dr Andy Clarke from the Law School, which centred around the certainty of subject matter in the formation of

¹ Laura is applying for the Bar Professional Training Course (BPTC) at the University of the West England; Stephen graduated in summer 2016 and is now a Recruitment Consultant at Noir Consulting; Sam was elected president of the University of Plymouth Law Society and is applying for the BPTC in London at the University of Law; Jacob is developing a UK Cyber Harm Model for his dissertation.

² The pseudonym of Jacob Cunningham.

a trust. The problem naturally reflected Lord Neuberger's area of expertise following his rapid rise through the Chancery Division of the High Court, which specialises in issues concerning property. I caught up with the finalists Stephen Gibson (SG), Jacob Cunningham (JC), Laura D'Alessandro (LD) and Samuel Castlehouse (SC), to discover what it takes to stand up and be involved with such a prestigious opportunity.

CT: Firstly guys, thanks for coming and sharing your experiences with me today. To put this experience in context, how does mooting in the UKSC compare with your university journey so far?

SG: The beginning of your university experience is a step into the unknown. The beginning of a journey that has its ups and its downs, as well as unexpected twists. Yet, while life at university can be a rollercoaster there are those moments that you treasure above all others.

SC: Absolutely, there are many doubts and uncertainties that race around your head throughout life: am I going to get to get to University? Will I like the subject I have chosen? How will that presentation go on Monday? Will I survive advocating in front of Lord Neuberger? Of course, that last question is one that many will not get the opportunity to ponder, but it was one that was in my head for the months preceding the final.

CT: I bet it was Sam. In fact, Jacob and yourself had been in the final last year as well, how did the two compare?

JC: Well picture the scene – two fresh-faced first year law students about to step into Plymouth Crown Court to moot in a final. Unbelievable. My partner and I had no idea what mooting was six months before this moment, but here we were... somehow, every moot problem (including this one) a complete enigma and source of unfathomable panic. Nevertheless, my partner and I proudly delivered the moot of our lives and brimming with confidence we waited for his Honour Judge Taylor to announce the winner. We lost. At that moment, as quickly as I had taken up this torturous pastime, I had retired in an instant. My first year at Plymouth University was a great success for me and I was full of confidence coming into the second year. This year I had chosen debating as my competition challenge, with the bittersweet memories of mooting a distant echo long forgotten... then came the news. The Plymouth Students Law Society 2016 Mooting final will be held in the UK Supreme Court. What? Furthermore, it will be judged by the president himself – Lord Neuberger! Hang on, we all know the name, but this was the person whose judgements I was cosyng up to every night last year, with my yellow little friend Stabilo. We knew him well.

CT: So in fact, you had never intended to moot this year - how did the decision to moot again come about?

JC: I remember on the day the news broke I was walking through the Rolle building and I could see my old mooting brethren strolling towards me with a distinct glint in his eye and an all too familiar grin on his face. I knew word for word how this conversation was going to go before it was even uttered, like some sort of bizarre premonition. 'Have you heard the news?' he said. 'Yeah,' I replied with a defeated sigh, and before he even asked the question, I heard myself say 'go on then.' Just like that, we had embarked on the journey of our lives.



CT: Considering the fact the final this year was in the UKSC, the competition in the early rounds must have been fierce?

JC: There was some strong competition this year which considering the prize was understandable, but we fought through the early stages and managed to break through. The semi-final, however, was awkward and I was sure we were doomed after arguing with Professor Kim Stevenson that rape could be gross negligence (not my finest hour), but then came the shocker – we were through to the final! Wow, what an amazing feeling. This was what we had worked for, the golden ticket to the Supreme Court like a kid in a chocolate factory, standing in front of arguably the brightest judge in the country... barristers dream about this and for me it came true. It seems everything happens for a reason after all.

SC: Absolutely, winning a semi-final is your golden ticket to the final of a competition, however this is no Roald Dahl story, and the winners of the golden ticket were not picked at random. It was through months of hard work and determination that we grasped our hands so tightly on

the opportunity to appear at the Supreme Court. Months of dreaming and imagining ourselves wearing the gown and advocating to Lord Neuberger, and then it happened, the final was in full swing.

CT: What were your thoughts in the days leading up to the final?

SC: - The weekend before the moot was when I felt the most apprehension, knowing that the next day I was to leave for London and fulfil a dream. I usually travel light whenever I leave the city, however I was weighed down this time by the numerous bundles: one for Lord Neuberger, the opposition, and my own bundle...of nerves. The train to London left me feeling no different, despite my friend's exciting plans to go to Camden Market and Buckingham Palace I could not feel excited, I was too focused on the moot. A very strange feeling came over me when I booked into the hotel and placed my luggage into my room, relaxation. I felt at home in the big city. Being relaxed remained the focus of the trip for me.



CT: So the big day arrives and you are waking up to the bustling streets of London. How did it feel to arrive at the UKSC?

SG: Climbing the steps from the platform at Westminster Tube Station to street level always caught my imagination as a child. Looking up to see Big Ben reaching majestically into the sky and the Houses of Parliament stretched out along the Thames would take anyone's breath away. However, as impressive as the landmarks of London are, my focus was elsewhere that

day. 3 weeks of long hours, continuous research and sleepless nights led to the next few hours, and while the bundles are compiled and the submissions prepped, I had never felt more unready. The surge of the London tourist crowd rushing by didn't help. The constant reminder that no matter the worries, you have to keep moving forward with the tide. The final is right in front of you, in front of us. Laura, my mooting partner for the competition, was pacing next to me. Bundle in hand, she looked determined and focused. Focused on our destination. Across from Parliament Square, the one building that every aspiring Barrister hopes to reach at one point in their career, the UK Supreme Court. That's the moment when the adrenaline begins to pump and the realisation that a lifelong ambition is about to be achieved and become reality. Passing through security checks and being led into a back room, the excitement level rose. Laura and I hadn't even met 6 months before, yet here we both were prepping to submit an argument on equity law in front the top judge in the country, Lord Neuberger. Safe to say that whatever happened next, we'd face it together and what would be would be.



SC: On the actual day of the moot my partner and I made very few amendments to our preparation, and I remember watching a comedian on TV to ensure that I did not over-think what was about to happen. The same approach was taken at the Supreme Court. We wanted to remain confident on our construction on this complex area of law and so did not amend anything. We enjoyed our time at the Court, taking in the views, sights, and attractions of the symbolic building before heading into the moot, and carrying out business as usual. Whilst

talking to Lord Neuberger I felt like this was my call in life, being a barrister and advocating is something I need to do. I felt relaxed, I felt good.

LD: What struck me about the whole experience, was the realism of it all: the surreal moment Lord Neuberger entered the court with his judicial assistant and our mooting officers: we all bowed and then the bench sat down. The anticipation was palpable and the only words that came from Lord Neuberger's mouth was, 'Mr Cunningham?' At that moment the realisation that I was about to present my submissions to the most senior judge in the country hit me and I began to centre myself, breathing deeply and trying to hold my nerve.

CT: How was Lord Neuberger with you guys? Did he go easy on you?

LD: During the moot, both Lord Neuberger and the judicial assistant's interventions were very challenging and there seemed no allowances for the fact that we were students, or that our understanding of the complex subject matter was somewhat limited; but I was glad of it. I thought to myself; 'If I can be here in this court on my feet, and cope with the pressure of the interventions on an unfamiliar area of law, then I can cope with any challenges that might come my way in the future.' Once I began presenting my submissions, the nerves of the preparation room paled into insignificance. We paced ourselves and it flowed better than any of the previous rounds of the competition.

CT: So would you say the moot went as planned?

LD: One of the most significant moments for me was when some of my points were already addressed during previous interventions. Before beginning my submissions, I highlighted this to Lord Neuberger and told him that I would move on. Although this reduced the bulk of my submissions, I didn't see any point in going over old ground and wasting the court's time. I feel it was a bold move on my part and it was better than Lord Neuberger directing me to move on himself. It ensured that I remained in control of my submissions and it filled me with confidence as I was able to maintain my flow.

CT: Wow, you really had to think on your feet there Laura. What would you say you had learned the most from the experience?

LD: Well another significant moment was when I'd forgotten to mark up some of my quotations in the bundle, due to last minute preparation the night before the moot. Although I would never advocate leaving vital preparation so late, I am certain that in practice information is often going to arrive very late and require you to maintain an element of adaptability; making last minute amendments before going into court a distinct possibility. During my submissions, once I realised this error I had to adapt quickly and calmly and not crumble under the pressure. I was pleased with the fact that I dealt with this issue so swiftly, I apologised to the Bench, but

neither Lord Neuberger or his assistant seemed to be at all fazed by this mistake which assisted my nerves no end and gave me the confidence to move on.



CT: What an experience, any other moments that stuck out guys?

SC: For me it was when the moot was over and the judgment was in. The moment we had all dreamed of and truly the icing on the cake, Lord Neuberger declaring us the winners. Winners. Wow, what a moment. However, none of us were losers, we were all winners; long before this final we were all winners.

CT: Absolutely! Any final thoughts you would like to share?

SC: Overall, I think the reason I felt so relaxed in the hotel and throughout the moot is because I knew that sat behind us were some of the most important academics in the Law School and numerous students/friends/colleagues of the university. I knew that Lord Neuberger was sat just in front of us, the Supreme Court was taken over by Plymouth University, and the four of us were leading the celebration. A real feeling of achievement – that's the real prize.

LD: I feel extremely thankful and proud of this achievement and know that it will be a significant talking point for BPTC scholarship and Pupillage interviews and hopefully this, as well as other valuable experiences that I have gained through University of Plymouth Law Society, will set me aside from other candidates and give me a significant advantage.

JC: For anyone who has ever stepped up and delivered a moot they would know, it is a very lonely place, but in the Supreme Court – a pin drop is a scream. Four Plymouth students did more than deliver a moot that day... we wrote a new chapter and lived in a moment of history.