

# Mooting

How four law students went from the classroom to the UK Supreme Court.

**R**ather than being concerned with the facts of a case, which cannot be changed, a moot focuses on how the law is applied, argued, and presented in relation to the agreed facts.

In 2009, Strode's College held the 55<sup>th</sup> annual moot contest. Among the distinguished guests was a representative from the UK Supreme Court, who was so impressed by the quality of the presentations that the students were invited to take part in a moot as part of the opening ceremony of the Supreme Court. Clearly, holding a moot in front of a college is nerve racking, but presenting one in front of an audience including seven Supreme Court judges, the prime minister and Her Majesty the Queen is at an entirely different level and beyond the wildest dreams of any budding lawyer.

On the day, all the students were nervous, but Amrin Bhatti got up to deliver the opening arguments for the appellants and the presenters soon fell into a groove, as she was followed by Melissa Woods on behalf of the respondents, Caroline Oakes (for the appellants) and Jade Benson (respondent), despite the fact that the moot had to be halted several times for the visits of Prime Minister Gordon Brown, the Archbishop of Canterbury, and the Queen and Prince Philip.

On conclusion of the moot, Lord Saville announced that he would consider the judgement on advisement, and the Court withdrew to the foyer for the unveiling of a plaque by the Queen.

## The value of mooting

What is especially pleasing about the presentation at the Supreme Court is that it demonstrates that mooting is not the exclusive preserve of universities, or the Bar School. Indeed, mooting is a process that should be more widely developed and applied in sixth-form colleges and schools, since it helps to develop legal analytical skills, while providing students with experience of the application of law. It is different to mock trials, where the focus is on the facts within a case, because its focus is on applying the law. Thus, mooting is far more challenging, analytical, and interesting.

My advice to law students is to use your library and search out the various books on mooting. Try to encourage your teachers and fellow students to develop a mooting competition.

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## Mootfocus



### The moot argued at the UK Supreme Court

Mary is sightseeing in the hills of Wales. She visits a beautiful and huge dam that overlooks a village. She is enjoying the view when she hears a big crack and then notices that the dam has burst and water is beginning to burst out through the crack. She immediately recognises that the 1,000 or so people living in the village will all perish. She then sees a sign that says, 'In case of emergency press the red button and flood the adjacent valley.'

She notices one man (her ex-boyfriend who she had argued with earlier) and his dog walking in the adjacent valley. She waves at him and shouts. He cannot hear her (he is listening to his iPod), but waves back, giving her a two-fingered salute and carrying on walking. Mary decides she has to act and presses the red button to save the lives of the people in the village. Her ex-boyfriend is drowned and so is his dog. The television companies hear of her story and the Queen presents her with a medal for saving 1,000 lives. On returning home from Buckingham Palace Mary is arrested by the police and interviewed. Subsequently she is charged with murder.

At the trial Judge Hangman advised her barrister that her defence of necessity couldn't be applied in light of *Dudley v Stephens* (1884). Her barrister also tried to argue the defence of duress of circumstances — but the judge advised that this is not a relevant defence for murder. Hence, her barrister continued with the trial and Mary was found guilty of murder, with the jury advising that they believed the judge should show leniency in his sentence. The judge gave a life sentence with a recommendation of an 8-year minimum.

The Court of Appeal rejected Mary's appeal. She has been granted leave to appeal to the UK Supreme Court on the following grounds:

- The judge should have allowed the defence of necessity.
- If the judge could not allow the defence of necessity, he should have allowed the defence of duress of circumstances.
- The sentence was too harsh in light of the comments of the jury.

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