

## The 2019 Herbert Smith Freehills Moot<sup>1</sup>

### Our Maiden Journey

“Competition law? ... What’s that?” To varying degrees, that was very much our reaction when we learned that we would be taking part in the 2019 Herbert Smith Freehills Moot.

The moot, as we would soon discover, was quite the stuff of nightmares. For one, what materials were we supposed to read? And where were we to find them? Unsurprisingly, the learning curve proved to be steep. We found, quite amusingly, that we probably would have preferred to read our local SAL-style reports a thousand times over the Commission and ECJ<sup>2</sup> reports.

But it was quite an experience. Work was divided, with each taking his pro-rata portion of affairs. Multiple drafts were junked, remade, and revised, with citations for every proposition that we could think of. And after all, nothing really comes close to the student life beyond pulling an all-nighter on the deadline day, and learning which one of us could stay awake past midnight, all the while agonising over our memo upon which all hopes of qualifying (for the oral round) rested.

And so, to our pleasant surprise, we qualified! We also placed 8th overall for our written memo. So here is a picture of us smiling before we flew off to London – just happy to be one of the 12 teams presenting, and completely oblivious to the fact that we would soon be up against the defending champions (King’s College London), and a solid team from India (Jindal Global University). We would later learn that we were the only Year 2s present – most were Year 4s and some were even studying for their LLM.



Pic 1: School of Law, Singapore Management University



Pic 2: The Team @ Herbert Smith Freehills



Pic 3: The Team @ Changi Airport

<sup>1</sup> Soh Kian Peng, 2019 Herbert Smith Freehills SMU Team.

<sup>2</sup> European Court of Justice.

## Lesson Learned

We were knocked out in the preliminary rounds. So the picture to the right is that of us acting all touristy in London the day after, because it is not very often we get to see students on vacation.

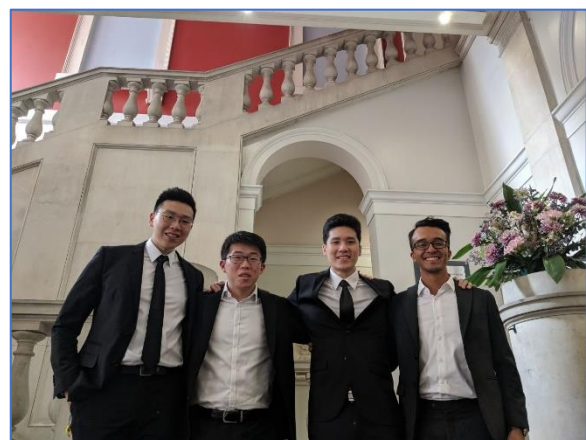
Jokes aside, to be fair, I think each of us thought we might have barely scraped through, but it was not meant to be. We did however take away a few key learning points. **First, style clearly matters.** There's not much that can be helped when an opponent has perfected his submissions and replies to a tee. As it transpired, although our submissions were more accurate on the law, we could not out-perform the clarity and confidence that the other teams displayed.

**Second, always play to the gallery.** In a moot, the Judge is king. While his questions may not be palatable, those are the questions that are asked, and therefore, must be engaged. We were given a masterclass in this by our opponents, when we saw how they swatted away unpredictably tough questions, all the while maintaining composure and redirecting the judges to their case theory.

**Finally, the importance of a proper workflow.** There were a couple of things we felt could have been improved. For instance, it was critical for us to have settled our most important submissions before we flew off. That was realised too late, and time was spent en-route deliberating and adding to our points, when that might have been better spent familiarising ourselves with what we had. This in turn stemmed from the fact that we were not able to finish our case brief until 2 to 3 weeks before the competition, in part due to internship commitments. Nevertheless, in some respects, I think we still gave a good acquittal of ourselves.



**Pic 4:** Louis, Sujin, and Wen Min @ Green Park



**Pic 5:** The Team @ King's College London



**Pic 6:** Engraved quote outside the UK Supreme Court.

It reads: "Here Justice sits and lifts her steady scales within the Abbey's sight & Parliament's, but independent of them both, and bound by truth of Principle and Argument."

## Conclusions

We might have lost, but the actual experience itself was a vital one that will serve us well in the future.



Louis Lau, 1st Speaker (Claimant)



Soh Kian Peng, 2nd Speaker (Claimant)

At this juncture, we wish to place on record our thanks to Prof Chen Siyuan for giving us the opportunity to represent our school internationally, and also to our coach, Mr Nicholas Poon, for his help and timely advice. We also wish to thank Ms Brenda Low (from the School's administration) for helping to arrange, at short notice, our logistical requirements on time.



Su Jin Chandran, 1st Speaker (Defendant)

Finally, we would like to express our heartfelt thanks to CCCS for agreeing to sponsor the team, and in particular, Ms Winnie Ching and Ms Lynette Chua for facilitating the process. They have been very accommodating to the many requests made by our team, and their help has been invaluable to say the least.



Chai Wen Min, 2nd Speaker (Defendant)

~ End ~