



Sixth International Roman Law Moot Court Competition



OXFORD • 7-10 APRIL 2013

REPORT



IOHANNES v UGOLINUS

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2013 marked an important evolution in the International Roman Law Moot Court Competition: the first edition of the contest to take place outside of Greece. After five very successful Moots in the Imaret of Kavala and the Roman forum of Philippi, the decision was taken to hold the Sixth IRLM in the surrounds of one of the eight participating universities. Accordingly, the Oxford Law Faculty was delighted to welcome colleagues and friends from the Universities of Athens, Cambridge, Liège, Naples, Trier, Tübingen and Vienna to venues across Oxford to debate fundamental concepts of private law as developed by the Roman jurists and applied by modern courts. Fittingly, emeritus Regius Professor of Civil Law, Professor Tony Honoré, opened the Moot with some gracious remarks.

The *libellus* for the Sixth IRLM arose out of a dispute between neighbours that was more than incidentally reminiscent of Marcel Pagnol's *Jean de Florette*. Provence not being within the borders of the Empire during the reign of Justinian I, the facts took place in the climatically similar province of Bruttium in southern Italy in AD 540-542. Iohannes brought a *vindicatio servitutis* and



an *interdictum de fonte* in relation to the flow of water that formerly fed a spring on his land, the flow of which was interrupted by Ugolinus, together with an *actio damni iniuriae* to recover damages resulting from the blocking of the source. Ugolinus counterclaimed by means of an *actio quasi Serviana* to obtain possession of Iohannes's land as a result of default on a loan agreement secured against the land, as well as an *actio locati* to recover damages for the loss of a mule that died while on loan to Iohannes.



The merits of each claim and counter-claim were expertly argued, with particular reference to Justinian's *Institutes*, *Digest* and *Code*. Moreover, counsel on each side were no less focused on the facts than the law, taking every opportunity to characterise conduct as *dolus bonus* (acceptable cunning in commercial negotiations) or *dolus malus* (impermissible fraud or misrepresentation) according to the interests of their client. This heady mix of intellect and advocacy regularly pushed counsel over time but the judges were indulgent.

Vienna and Athens emerged at the top of their groups after the preliminary rounds of the competition and met group runners-up Cambridge and Oxford in the Semi-finals. Both were close contests, with Athens edging out Cambridge by three round points and Oxford upsetting Vienna by an even narrower margin of two round points.

PRIZES AND PRIZE-WINNERS



Narrow margins were again the order of the day when the four Finalist teams met in the Old Library at All Souls College. In the Small Final before Professor Boudewijn Sirks, Professor Thomas Finkenauer and Christian Schnabel, Cambridge took the side of Iohannes, while Vienna defended Ugolinus. Thirteen points out of six hundred and only two ranking points separated the teams, with Cambridge ultimately securing the *palma tertia*.

After a short break, the panel of five – Professor David Ibbetson, Professor Cosimo Cascione, Professor Richard Gamauf, Professor Jean-François Gerkens and Dr Constantin Willems – convened to hear Oxford (Iohannes) and Athens (Ugolinus) argue the case one final time. Iohannes's arid land provided fertile ground for counsel's submissions and there was no interruption to the flow of questions from the bench, while professors, coaches and supporters looked on from the front row of the audience.

As with the Small Finalists, Athens and Oxford had to await the dessert course at the gala *cena vespertina*, the Clifford Chance LLP European Private Law Dinner, held in the splendid Hall of All Souls College for the announcement of the results. Two of the five *iudices* awarded a draw on round points but the *palma victoriae* went to Maria-Thiresia Roussou and Ioulia Aikaterini Vouleli from Athens (whose colleagues Alexandros Papatotiriou and Maria-Thomais Epeoglou argued in the Semi-finals). The Oxford team, who won the *palma secunda*, consisted of James

Fisher and Nicholas Kamligh (and Semi-final counsel Alyssa Stansbury and Benjamin Ong).

The prizes themselves this year consisted of specially framed authentic Roman coins: a bronze *cententionalis* of Magnentius, minted in Amiens, c. AD 351-352, for the third prize; a silver *denarius* of Caracalla minted in AD 207 for the second prize; and a silvered *antoninianus* (a double *denarius*) of the Emperor Gordian III, minted c. AD 241-243 for the first prize.



ORALIST AWARDS

Students, academics and organisers were delighted that Robert Crothers and Emma Matebalavu from IRLM sponsors Clifford Chance LLP were able to join them at the gala dinner and present both the team and the individual awards. The Clifford Chance LLP Best Oralist Award, the *palma optimi oratoris*, was awarded to Ioulia Aikaterini Vouleli of Athens, with Honourable Mentions awarded to Diandra Halici of Vienna and Alexandros Papisotiriou of Athens. The gala dinner also provided an opportunity to congratulate all participants (and coaches) on their success and hard work and to thank sponsors Clifford Chance, host Professor Boudewijn Sirks and Mooting Coordinator Benjamin Spagnolo for their contributions to this first moot outside of Greece. The evening concluded with the traditional talent show and song contest, this year ably compered by judge and long-time IRLM affiliate Daniel Khoo. Professors Jean-François Gerkens, Athina Dimopoulou and Cosimo Cascione provided entertaining – if not always entirely unbiased – commentary on the presentations made by the teams and also by Professor Boudewijn Sirks and Professor Thomas Finkenauer in their memorable rendition of Frank Sinatra's *Strangers in the Night*.

Right, from top: the Finalist teams from Vienna, Cambridge, Athens and Oxford with the Clifford Chance LLP Best Oralist Ioulia Aikaterini Vouleli

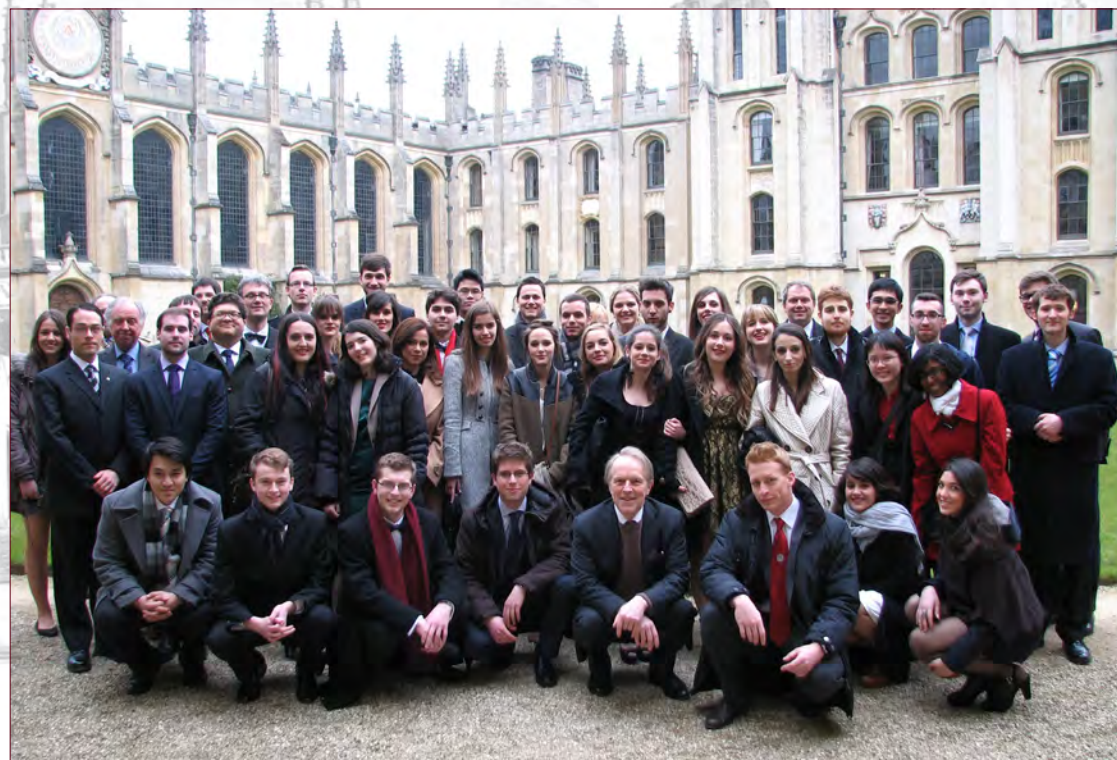


STUDENTS AND JUDGES

Participants 2013

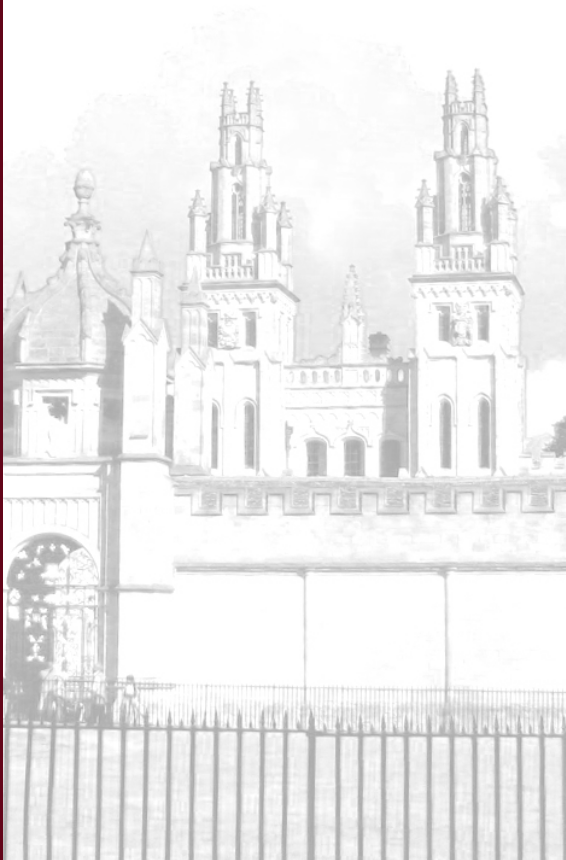
<i>Vienna</i>	Norbert Gehart Diandra Halici Mateo Klanisek Katharina Köberl
<i>Tübingen</i>	Manuel Bahmann Alexander Koch Dennis Rein Guo Li Tang
<i>Trier</i>	Mats Otto Becker Georgina Kandalaft Carina Mäs Filipp Borisovic Revinzon
<i>Oxford</i>	James Fisher Nicholas Kamlish Benjamin Ong Alyssa Stansbury
<i>Naples</i>	Grazia Ballo Maria Sole Fanuzzi Eduardo Fernandes Ugo Marchionne
<i>Liège</i>	Léone Close Quentin Detienne Carol Evrard Céline Seggaï
<i>Cambridge</i>	Sam Bird Rachel Decruz Joshua Teng Jocelyn Teo
<i>Athens</i>	Maria-Thomais Epeoglou Alexandros Papasotiriou Maria-Thiresia Roussou Ioulia Aikaterini Vouleli

Continuing a trend also seen in the Fifth IRLM, the 2013 Moot welcomed back a number of familiar faces to the bar table, with Eduardo Fernandes (Naples) and Carina Mäs (Trier) returning to compete a second time. Equally encouraging, especially from the point of view of the future of the competition and the now firmly established IRLM community, the Sixth IRLM saw no fewer than seven former participants return as accompanying coaches or as judges: in the latter category, it was a pleasure to renew our acquaintance with Joanne Albert (Liège), Daniel Khoo (Oxford), Artemisia Papadaki (Athens) and Dr Constantin Willems (Trier).



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