

The Complete (but unofficial) Guide to the Willem C. Vis International Commercial Arbitration Moot

Risse

5th edition 2019
ISBN 978-3-406-74450-1
C.H.BECK

schnell und portofrei erhältlich bei
beck-shop.de

Die Online-Fachbuchhandlung beck-shop.de steht für Kompetenz aus Tradition.
Sie gründet auf über 250 Jahre juristische Fachbuch-Erfahrung durch die Verlage
C.H.BECK und Franz Vahlen.
beck-shop.de hält Fachinformationen in allen gängigen Medienformaten bereit:

über 12 Millionen Bücher, eBooks, Loseblattwerke, Zeitschriften, DVDs, Online-Datenbanken und Seminare. Besonders geschätzt wird beck-shop.de für sein umfassendes Spezialsortiment im Bereich Recht, Steuern und Wirtschaft mit rund 700.000 lieferbaren Fachbuchtiteln.

8. Training

"FORDHAM VIS PRACTICE MOOT"

(NEW YORK, USA)

- ✓ 43 teams from 12 countries (in 2014)
- ✓ established in 2007 / 3-day-event
- ✓ registration fee of 25 USD per team member (2 coaches may participate for free)
- ✓ https://www.fordham.edu/info/23225/vis_practice_moot
- ✓ special feature: The Fordham Vis Practice Moot presents well-known keynote speakers every year and organizes social events in New York City as well as a "Showcase Round".

"HANNOVER PRE-MOOT"

(HANNOVER, GERMANY)

- ✓ 28 teams from 11 countries (in 2017)
- ✓ established in 2007 / 3-day-event
- ✓ no registration fee
- ✓ <http://www.jura.uni-hannover.de/premoot.html>
- ✓ special feature: At the "Hannover Pre-Moot Conference" professionals come together in a friendly atmosphere to discuss legal issues related to the uniformed profession.

"INDIAN VIS PRE-MOOT"

(DELHI, INDIA)

- ✓ Various Indian teams (in 2017)
- ✓ established in 2011 / 3-day-event
- ✓ no registration fee
- ✓ <http://www.jgu.edu.in/JGU/CMS/VisPreMoot>

beck-shop.de
DIE FACHBUCHHANDLUNG

V. How to Present Your Case Before the Arbitral Tribunal

"ICC PRE-MOOT"

(PARIS, FRANCE)

- ✓ Various teams from different countries (in 2017)
- ✓ 2-day-event
- ✓ no registration fee
- ✓ <https://iccwbo.org/event/2017-icc-vis-pre-moot/>
- ✓ special feature: An *ICC YAF Conference* (ICC Young Arbitrators Forum) takes place on the eve of the Pre-Moot to give participants a chance to gather with other participants and exchange thoughts on international arbitration.

"MICHAEL THORSNES INTERNATIONAL ARBITRATION COMPETITION"

(SAN DIEGO, USA)

- ✓ 22 teams from 3 countries (in 2017)
- ✓ established in 2008 / 3-day-event
- ✓ registration fee of 30 USD or 40 USD (depending on the date of application)
- ✓ <http://www.usdvision.com/usd-pre-moot.html>
- ✓ special feature: The competition is held on the eve of the Pre-Moot. The final award is given to the winning team which receives a grant of 100 or 300 USD (in 2017).

"MILAN PRE-MOOT"

(MILAN, ITALY)

- ✓ 18 teams from 10 countries (in 2017)
- ✓ established in 2008 / 2-day-event
- ✓ no registration fee
- ✓ <http://www.camera-arbitrale.it/it/news/MILAN+PRE-MOOT+-+VII+edizione.php?id=471>
- ✓ special feature: Each year, the Milan Chamber of Arbitration (CAM) organizes a conference on issues related to the moot-problem.

8. Training

"MOOT CLINIC COPENHAGEN" (COPENHAGEN, DENMARK)

- ✓ maximum of 6 teams
- ✓ 3-day-event to take place in September/ October
- ✓ fee of EUR 290 per team (incl. two coaches) for six clinic sessions ("introduction to the rules", "case analysis", "writing memorandum", "opening statements and submissions", "how to deal with questions" and "closing statements and rebuttal")
- ✓ <http://www.moot-clinic.com/>
- ✓ special feature: The Moot Clinic is different from any other Pre-Moot events. It takes place *before* the moot problem has been published in order to demonstrate what the oral pleadings will look like. This Pre-Moot event is for "early birds".

"MOOT SHANGHAI" (SHANGHAI, CHINA)

- ✓ 24 teams from various countries (in 2017)
- ✓ established in 2011 / 4-day-event
- ✓ no registration fee for the first 5 team members (incl. coach); 100 USD starting from the 6th participant
- ✓ <http://mootshanghai.cn/>
- ✓ special feature: several academic lectures by leading international arbitrators

beck-shop.de
DIE FACHBUCHHANDLUNG

"PCA PRE-MOOT THE HAGUE" (THE HAGUE, NETHERLANDS)

- ✓ 10 teams from 7 countries (in 2017)
- ✓ established in 2008 / 2-day-event
- ✓ no registration fee
- ✓ <https://pca-cpa.org/en/news/6301/>
- ✓ special feature: The Pre-Moot takes place at the historic "Peace Palace" (*Vredespaleis*), which is the seat of the *International Court of Justice*.

"STOCKHOLM PRE-MOOT"

(STOCKHOLM, SWEDEN)

- ✓ 12 teams 12 countries (in 2017)
- ✓ established in 2009 / 3-day-event
- ✓ no registration fee
- ✓ <http://sccinstitute.com/about-the-scc/news/2017/teams-from-all-over-the-world-gathers-for-the-stockholm-pre-moot-2017/>
- ✓ special feature: A "SCC Pre-Moot Conference" takes place at the end of the Pre-Moot, usually exploring some of the issues addressed in the moot problem.

"VIS MIDDLE EAST PRE-MOOT"

(DOHA)

- ✓ 17 teams from 11 countries (in 2017)
- ✓ established in 2011 / 5-day-event
- ✓ no registration fee
- ✓ <http://premoot.bcdr-aaa.org/en/pre-moot-events>
- ✓ special feature: 3 days of "Oral Advocacy Training" preceding the pre-moot. The location of the Pre-Moot changes every year. Vis Moot was held in Doha, Qatar in 2017, it will be held in Warsaw, Poland in 2018.

"WARSAW PRE-MOOT"

(WARSAW, POLAND)

- ✓ 15 teams from 6 countries (in 2014)
- ✓ established in 2009 / 3-day-event
- ✓ no registration fee
- ✓ <http://www.vis.wpia.uw.edu.pl/8th-warsaw-pre-moot>
- ✓ special feature: A conference on changing topics is held on the occasion of the Pre-Moot, e.g. on "Money for Nothing? Security for Costs and other "Costly Matters" in International Arbitration".

8. Training

Too Many Cooks Spoil the Broth

Pre-Moot events are an excellent way to prepare for the oral pleadings in Vienna and/or Hong Kong and it is great to see how many of them have sprouted up from the ground all around the globe. However, the fact that we listed no less than 18 recommendable Pre-Moot events shall not be misunderstood: This is not an invitation or recommendation to participate in as many Pre-Moots as possible.

Your decision on how many Pre-Moots to participate in is very individual and depends on various factors. Depending on the location of your team, the costs for participating might be disproportional to their benefit and you might not have the funds to travel around the world. And depending on your curriculum outside the Vis Moot there might simply not be enough time to travel around the world – even if you had the money to do so.

If there are no Pre-Moot events near your location and/or if you do not have the funds to travel to them, you should not feel disappointed. There are other possibilities for some “hands on” training: for example, you could have a practice session with another team via Skype. You can find many requests for Skype-pleadings in the annual official Vis Moot Facebook group, or post one yourself.

Or you can set up your own little Pre-Moot by inviting the team(s) “next door”. Another option is to arrive earlier in Vienna and/or Hong Kong to meet up with other teams there. Try to think outside the box and you are sure to find a way!

If there are many Pre-Moot events in your region and if you have the funds to participate in as many Pre-Moots as you can fit into your schedule, try to be selective.

First, you should always calculate some (and enough!) time to reflect on your experiences and feedback subsequent to having attended a Pre-Moot. This is a necessary step in order to adapt and improve your pleading accordingly. However, when receiving feedback from the arbitrators be aware that this always comprises subjective elements. You may get contradictory advice from different people. Therefore, sometimes less is more. If you gather too much (contradictory) advice you might be left confused and dazed. Remember: too many cooks spoil the broth!

Second, and most importantly, you might actually end up losing a bit of your enthusiasm for the real highlights in Vienna and/or Hong Kong along the way if you “tour” from one Pre-Moot to another. Like a marathon runner, you will need to use your strength optimally to make it to the winner’s podium.

beck-shop.de
DIE FACHBUCHHANDLUNG

VI. Seven Days in Vienna and/or Hong Kong

The Moot would be “moot” without its grand finale. More than half a year of research, arguing with team members, writing memoranda and pre-moot rounds finally pays off: the oral pleadings in Vienna and Hong Kong.

If you get to go to both of these spectacular and very different cities, you can call yourself lucky. If you participate in the oral pleadings only in Vienna or only in Hong Kong, there is no reason to feel less lucky. No matter where you participate in the oral pleadings, you will be infected by the Moot spirit.

1. Be Aware: The Moot is an Educational Tool With Competitive Elements – Not a Competition With Educational Side Effects

Once you have handed in your written memoranda, packed your bags and touched ground in Vienna or Hong Kong you might ask yourself: “What do I have to do to win the Moot?” Of course, the Moot is a competition and there will be winners, runners-up, and those who do not make it past the General Rounds. During the oral pleadings, the atmosphere is contagious. You will catch yourself thinking and praying: “If only we could make it past the General Rounds!” Once you made it to the final rounds, you will think: “If only we can perform better than our opponents!” It is only natural that a competitive environment generates competitors. It is nearly impossible not to become competitive.

At the end of the day though, the winner does not take it all. Of course, you want to give your best and that is great. But the real winners of the Moot – and it may sound trite – are those who do not forget to take a step back and enjoy the show. Also, a competitive mindset can prevent you from getting to know other teams. They are not “opponents” but fellow students who share the same enthusiasm for international law and arbitration. Most likely, there will not be other occasions in your life like the Moot where you get to meet so many law students from around the world. You can learn from each of them.

So if competition is not the actual purpose of the Moot, what exactly do we mean when we say “the Moot is an educational tool”?

Before you decided to participate in the Moot, your legal studies were dominated by lectures, text books and case studies. It can happen quite easily that one forgets the purpose of those exercises: to apply and argue the law. The Moot gives you a first impression of what it is like to argue the law in “real life”. It might not be enough to have read each and every case that deals with the relevant issues. Also, it might not help to know by heart the opinions of well-known professors on the relevant issues. If the other team argues complete nonsense, you will need to improvise. And if the arbitrators ask questions that you have not thought of before, you will need to come up with a clever and convincing answer on the spot. This is the real purpose of the Moot: you can test your skills and argue your case as a lawyer would in real life, but without the real life consequences attached to winning and losing for a real client.

2. Being Team-Spirited: The Oral Pleadings

In general, the Moot weeks in Vienna and Hong Kong follow the same pattern. It would be wrong, however, to declare that there are no differences between Vienna and Hong Kong. The Moot in Vienna is by far larger than its Asian counterpart. But whether “Vienna is calling” or if “Mooties go East”, all roads lead to the final stage of each year’s Moot; the Oral Pleadings.

2.1 Vienna Calling

Every year around Easter time, Vienna will become the international capital of arbitration. It might be true that “the arbitration world is a small one” but it appears to be anything but small when seemingly every member of the arbitration community from around the world gathers in one place. For the local Viennese, this week must be quite a strange experience. A group of more than 2,000 (and annually growing) young people invade their hometown. They wear suits they are much too young for and speak languages that often cannot be pinpointed.

The Vienna Schedule

Over the years, the schedule for the oral hearings in Vienna has been fixed and is followed with clockwork precision. This works to