

fox williams

Good sense in the City

5th Fox Williams Vis Pre-Moot
(in association with Chartered Institute of Arbitrators)
29th February and 1st March 2020



CI Arb
evolving to resolve

Dear Arbitrator

We are delighted that you have kindly accepted our invitation to participate in the 5th Fox Williams Vis Pre-Moot 2020 hosted in association with the Chartered Institute of Arbitrators ("CI Arb"). We are grateful for your support and know that the teams will be equally thankful for your presence as they prepare for the Vis Moot finals in Vienna in April 2020.

In this briefing note, we set out some preliminary information about the Pre-Moot which will take place on **Saturday 29 February** and **Sunday 1 March 2020**.

SATURDAY LOCATION

Chartered Institute of Arbitrators

12 Bloomsbury Square

London

WC1A 2LP

https://www.google.com/maps/place/Chartered+Institute+of+Arbitrators/@51.518699,-0.1235585,15z/data=!4m2!3m1!1s0x0:0xc44796313b2a488a?ved=2ahUKEwj6vtT1rHfAhV4QRUIHVxjBGoQ_BlwCnoECAAQCA

Nearest Underground stations are: **Holborn and Russell Square**

SUNDAY LOCATION

Fox Williams LLP

5th Floor

10 Finsbury Square

London

EC2A 1AF

<https://www.google.co.uk/maps/place/Fox+Williams+LLP/@51.521354,-0.0896857,17z/data=!3m1!4b1!4m5!3m4!1s0x48761cac3ce16187:0xf75539a968a47408!8m2!3d51.521354!4d-0.087497?dcr=0>

Nearest Underground stations are: **Moorgate** and **Liverpool Street**

Parking spaces available at NCP Car Park at Finsbury Square

Wi-Fi access will be available throughout the day at both venues. All arbitrators are invited (and encouraged) to attend the closing drinks reception to mingle with the competitors in a more relaxed setting.

SCHEDULE

Saturday 29 February 2019 - 12 Bloomsbury Square, London, WC1A 2LP

9:30	Registration and welcome
9.45 -10.00	Briefing for arbitrators by Peter Ashford of Fox Williams LLP
10:00 -11.30	1st round
11:30 -12:00	Break
12:00 -13:30	2nd round
13.30 - 14.00	Break
13.45 - 14.00	Briefing for arbitrators by Peter Ashford of Fox Williams LLP
14.00 - 15:30	3rd round
15.30 - 16.00	Break
16:00 - 17:30	4th round
17.30 - 19.00	Drinks reception

Sunday 1 March 2019 (finals) - 10 Finsbury Square, London, EC2A 1AF

09.30	Registration and welcome
09.45 – 10.00	Briefing for arbitrators by Peter Ashford of Fox Williams LLP
10.00 – 11.30	1st round
11.30 – 12.00	Break
12.00 – 13.30	2nd round (final round)
13:30 - 14:30	Announcement of Winners

Arbitrators are requested to arrive in time for the briefing in advance of their allocated moot(s) in order to ensure that each round commences and concludes in line with the allocated time. However, arbitrators are welcome to also arrive at any time and spectate for any of the other moots.

SLOT ALLOCATIONS

We have prepared the allocation with the objective of ensuring a diverse panel of arbitrators for each moot, whilst trying also to ensure that any clear conflicts of interest are avoided and any stated limitations on an arbitrator's availability are accommodated. However, if you have any concerns with your allocation, please **contact Ms Karin Troiani at Premoot@foxwilliams.com** so that the allocations may be revisited.

Please also advise ***at the earliest opportunity***, if there has been any change to your schedule which could affect your availability or allocated slot(s) on either day of the Pre-Moot.

THE DRINKS RECEPTION

After the conclusion of the competition on Saturday 29 February 2020, all participants and arbitrators are invited to attend a drinks reception from 17.30 – 19.00.

REFRESHMENTS AND LUNCH

Tea, coffee, water, cookies and lunch bags will be available on Saturday. On Sunday, we will offer tea, coffee, water, and cookies only. Please advise us of any special dietary requirements.

PHOTOGRAPHY

A photographer may be in attendance on both days to capture key moments from the Pre-Moot which may later be used in write-ups and social media posts published on platforms such as LinkedIn. Please advise us, if this causes any concerns.

THE ROUNDS

We set out below a few points for your guidance:

Timing of the rounds:

Each round will last a maximum of **1 hour 30 mins**, allowing **one hour for the teams' oral arguments and 30 minutes for the Tribunal's questions, subsequent conferring and feedback.**

The oral presentation of each team is, in principle, 30 minutes. The team will normally allocate equitably the time available to the two individual oralists (i.e. 15 mins each). Usually, the time for each team is used for their oral arguments, rebuttal and sur-rebuttal (i.e. 14 mins for opening and 1 minute for rebuttal / sur-rebuttal).

The Chairperson for each round will preside over each round and will open the proceedings and ensure the orderly conduct of all rounds. Keeping to the allocated time (and prioritising submissions accordingly) **is a key criterion** judged as part of an oralist's performance. The Tribunal should, therefore, be careful to ensure that timings are strictly adhered to. This will ensure the smooth running of the days.

The Tribunal's role during each round:

The Tribunal is expected to ask questions during the team's presentation of its oral argument. The Tribunal (under the Chairperson's guidance) might consider agreeing in advance how such interventions are to be managed. The Chairperson is also responsible for ensuring that excessive questions are not asked so that the flow is not overly interrupted and time keeping is observed.

Overall, the Tribunal is expected to act as if it were seated in a real commercial arbitration but taking into account that the competition is foremost an educational exercise for the participating oralists.

Feedback from the Tribunal:

Upon completion of the oral arguments and any questioning, the Tribunal is asked to confer and then invite the teams back into the room to give each participating oralist feedback on his or her performance. We request that the Tribunal deliver its feedback in a polite and constructive manner.

The Tribunal will ask the teams to recess from the hearing room to allow it to confer on scoring and feedback before it is delivered to the teams. Oralists must not be told their score as part of that feedback.

Scoring to determine the finalists:

Each member of the Tribunal must score each oralist (*i.e.* give four scores per moot round). Scoring criteria and guidance is attached as **Annex A**. It is important to stress that each member of the Tribunal may score an oralist as they see fit although the Chairperson is expected to ensure that there is a broad consensus within the Tribunal (that will usually mean that marks are within the same range). Whilst tribunals are encouraged to discuss performances, they are discouraged from agreeing a specific score to be given by all arbitrators to a particular oralist. These scores will be used to determine which four teams progress to the final rounds and which participant wins the award for best oralist in the qualifying rounds.

Addressing the Issues:

The Tribunal *may* direct at the outset in which order it wishes the issues to be addressed. However, in most cases, the teams will have, in advance, agreed a running order to be proposed to the Tribunal for its approval (which rests in its discretion).

DRESS CODE

The Vis Moot is meant to provide the competing students with a real arbitration hearing experience. We therefore request that the Arbitrators and the teams attend in business attire for the competition.

The four best teams from Saturday will proceed to the final rounds on Sunday. There will also be an award for the top-scoring individual oralist from the qualifying rounds on Saturday 29 February 2020

THE MOOT PROBLEM

A copy of the Moot Problem is included in the pack we prepared for you, and it can be downloaded from the Vis Moot website(<https://vismoot.pace.edu/media/site/27th-vis-moot/the-problem/problem.pdf>)

Further included in your pack is the official brief for arbitrators, which summarizes the legal problems raised and the issues the students can take into account to present their case and extracts from the Model Law, LCIA Rules, CISG and UNIDROIT.

PARTICIPATING TEAMS

The following teams are presently confirmed to participate in the Pre-Moot (one team from the Far East had to withdraw due to Coronavirus and we are seeking a replacement):

International teams	United Kingdom teams
<ol style="list-style-type: none">1. Lomonosov Moscow State University (Russia)2. Aix Marseille University (France)3. University of Ljubljana (Slovenia)4. University of San Diego (United States)5. Higher School of Economics Moscow (Russia)6. University of Turku (Finland)7. Saarland University (Germany)	<ol style="list-style-type: none">1. King's College London2. BPP University3. University of Leicester4. University of Cambridge5. University College London6. Queen Mary University of London7. University of Aberdeen8. University of East Anglia

QUESTIONS

If you have any questions about the Pre-Moot, please do not hesitate to contact **Karin Troiani** at Premoot@foxwilliams.com

WE VERY MUCH LOOK FORWARD TO WELCOMING YOU AT OUR PRE-MOOT!

Peter Ashford

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ANNEX A - SCORING

FOX WILLIAMS' WILLEM C. VIS PRE-MOOT

- There are two 'Counsel/Speakers' per team, per round. The total score that can be given by each arbitrator to each team in each round is 200 points. Individual 'Counsel/speakers' should therefore be graded on a basis of 100 points.
- Scoring should be done on a scale of 50 to 100 points for each of the 'Counsel/Speakers':

50-59 = needed improvement.

60-74 = good.

75-90 = very good; and

91-100 = excellent

The total for each team will, therefore, be between 100 to 200 points.

- The scores of each 'Counsel/Speaker' should be determined by an overall evaluation of his or her presentation. They should be judged on his or her ability to argue the assigned position and must not be judged on the merits of the case. They are not responsible for the fact that they are arguing for a party that the arbitrators believe should lose the case, on a jurisdictional question or on the merits.
- An argument that shows a thorough knowledge of the relevant law and the facts may be even more impressive when the student is representing what would seem to be the losing party in the eyes of the arbitrators.
- Each arbitrator is expected to make an individual decision as to the score to be awarded. Arbitrators may confer with each other when evaluating the individual 'Counsel' but should not attempt to reach a collective decision on the scores to be awarded. Nevertheless, a widely divergent score, whether higher or lower than the others, raises questions as to the criteria used by that arbitrator.
- Mistakes or difficulty in use of the English language should not be penalised when the team, or the individual 'Counsel', is not from an English-speaking country. On the other hand, no extra points should be awarded to teams or 'Counsel' to compensate them for competing in a foreign language. Arbitrators would not give extra consideration to the language capabilities of the lawyers when reaching their decision in a real arbitration. That must hold true in the moot.
- The scores given by the arbitrators will be distributed to the teams after the conclusion of the moot, though the names of the arbitrators will not be attached to the individual scores given. Instead, the arbitrators will be listed as Arbitrator 1, Arbitrator 2 and Arbitrator 3, which will reflect the order of the score sheets when the data entry is made.

FOX WILLIAMS' WILLEM C. VIS PRE-MOOT

Criteria to be regarded in the evaluation of 'Counsel':

(1) Organisation and Preparation

Does counsel introduce himself or herself and co-counsel, state whom he or she is representing, introduce the issues and relevant facts clearly, have a strong opening, present the arguments in an effective sequence, and present a persuasive and generalised conclusion?

Is counsel clearly prepared and familiar with the authorities on which his or her arguments rely?

If rebuttal is used, is it used effectively?

(2) Knowledge of the facts and the law

Does counsel know the facts and the relevant law thoroughly?

Is counsel able to relate the facts to the law so as to make a strong case for his or her client?

(3) Presentation

Is counsel's presentation appropriately paced, free of mannerisms and loud enough?

Does counsel use inflection to avoid monotone delivery, make eye contact with the arbitrators and balance due deference with a forceful and professional argument?

Is counsel poised and tactful under pressure?

Most importantly, is counsel's presentation convincing and persuasive, regardless of the merits of the case?

(4) Handling Questions

Does counsel answer questions directly and use the opportunity to turn the question to his or her client's advantage?

FOX WILLIAMS WILLEM C. VIS PRE-MOOT

SCORE SHEET

Arbitrator: _____

Time _____

Scoring should be done on a scale of 50 to 100 points for each 'Counsel'

50-59 = needed improvement;

60-74 = good;

75-90 = very good; and

91-100 = excellent.

Important! The score you give must represent the performance of the students in this argument. It must not reflect either their performance in other arguments, the reputation of the law school or your judgment of the merits of the case. Students should be judged on their ability to formulate, explain, and defend their argument; their advocacy skills; their speaking ability; and their legal arguments and evidence marshalled to defend them.

Claimant Law School _____

First 'Counsel': _____ Score: _____

Second 'Counsel': _____ Score: _____

Respondent Law School _____

First 'Counsel': _____ Score: _____

Second 'Counsel': _____ Score: _____

Arbitrators are individually responsible for assigning scores to 'Counsel'. Although the members of the panel are free to consult with one another before assigning scores, no collective decision on the scores of 'Counsel' should be attempted. Please also consider a few words of constructive advice that arbitrators can give to the students as feedback to help them improve their arguments.

PLEASE RETURN THE SHEET AT THE END OF THE ROUND.

THANK YOU!