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

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Zu Inhaltsverzeichnis
2.2 Mooties Go East

Created in 2003/2004, the Vis Moot (East) in Hong Kong is much younger and smaller than its Vienna counterpart. The Vis Moot (East) is based on the same principles, uses the same problem, and substantially identical rules. However, the two Moots are completely different, with different schedules, separate registration and separate winners. Also, the Vis Moot (East) takes place two weeks prior to the Vis Moot but does not serve as an elimination round for Vienna. Teams may register for both Moots but individual students who argue in Hong Kong may not argue in Vienna in the same year.

The Hong Kong Schedule

Like its European counterpart, the schedule for the oral hearings in Hong Kong is also prepared long before and is available at the website of the Vis Moot (East). This greatly helps you plan your stay in Hong Kong (see Chapter VI).

<table>
<thead>
<tr>
<th>Day</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sunday</td>
<td>MAA Welcoming Party</td>
</tr>
<tr>
<td>Monday</td>
<td>Registration &amp; Opening Ceremony</td>
</tr>
<tr>
<td>Tuesday – Friday</td>
<td>General Rounds of Argument</td>
</tr>
<tr>
<td>Saturday</td>
<td>Elimination Rounds of Argument</td>
</tr>
<tr>
<td>Sunday</td>
<td>Final Round and Gala Awards Lunch</td>
</tr>
</tbody>
</table>

2.3 Whether in Vienna or Hong Kong: Let the Pleadings Begin

No matter if you touched ground in Vienna or in Hong Kong, the week will start off with the General Rounds in which each team will argue against four other teams. As the week proceeds, the teams who have received the highest scores in the General Rounds will move to the Elimination Rounds (i.e., 64 teams in Vienna and 16 teams in Hong Kong). At the end of the week, the two teams that made it all the way through will have the honor to plead against each other in front of all other teams and arbitrators.

A Simple Equation: $2 \times 4 = 8$

One big advantage of the Vis Moot is that every participating team gets a chance to plead in the oral hearings. Unlike other moot courts,
there is no elimination round prior to the oral hearings based on the evaluation of the written memoranda. But having said that, each and every team member does not necessarily get a chance to practice pleading skills. Some law schools put together large teams with more team members than pleading slots in the General Rounds. The number of team members is discretionary but experience has shown that between four and eight people make a good team (for more details on team composition, see Chapter III).

If your team has more than eight members, a simple arithmetic exercise reveals that not everyone can participate during the General Rounds (i.e., four pleadings with two team members each). But even in smaller teams, speaking in front of the arbitral tribunal is not a given. Some teams decide to send only their “best horses” to the front. This might be a good approach if you wanted to win a competition. The Moot is, however, not a competition but an educational exercise (see above, VI.1). Preferably, every team member should get the chance to argue in front of the arbitral tribunal. If you participate both in Vienna and in Hong Kong, you have more pleading slots available.

The Cheerleader Syndrome

Some teams – especially those from universities nearby – might be accompanied by an entourage of affiliated teams, former Mooties and members of their university. If you have to plead against a team that fills the entire hearing room, do not be intimated. It is only important to impress the arbitrators, not the spectators in the peanut gallery. Focus on your arguments and let your adrenaline do the work: You will be wide awake and ready for any question from the arbitrators.

If you are from a team with a strong fan base, please keep the following in mind: Don’t intimidate! It is great that you can rely on a group of people that believe in your abilities but be aware that other students are lone fighters who cannot rely on such on-site support. Some teams even travel to Vienna or Hong Kong without a coach because this would exceed their budget. You would act within the Moot spirit if you showed a small team that you acknowledge their position. Why not invite them to join your group for drinks at the official moot court bar (see Chapter II) after the pleading?

Not All Arbitrators Are the Same!

Arbitrators come in a wide range of shapes and sizes. This is not a reference to their age, gender or other superficialities, but to the amount of preparation they have undertaken before coming to
Vienna or Hong Kong. Traditionally, the most prestigious scholars and arbitrators travel to Vienna to act as arbitrators in the oral hearings. The Vis Moot would be less impressive if only a bunch of students and coaches came together to judge each other. But the arbitration elite also gather in Vienna to meet long-time-no-see friends and to mingle with their kind.

Once you find yourself in Vienna or Hong Kong, you will know the Moot Problem by heart. You will be able to cite cases without referring to your notes and you will know from the top of your head that Procedural Order No. 1 can be found on page 47 of the file. And of course, you will have prepared specific and witty answers to the most common questions an arbitrator could possibly ask….or so you think!

But the range of questions by arbitrators is endless. Some arbitrators also act as coaches of other teams (of course, they are not allowed to judge a team they are affiliated with). Those arbitrators can be tricky because they know the Problem inside out and will surely find your weak spot. They will notice immediately if you are unfamiliar with some of the details, or they may spontaneously deviate from your rehearsed arguments. Other arbitrators, however, have not even touched the file before coming to Vienna or Hong Kong. Those arbitrators can be tricky, too, because their questions are unpredictable. For example, an arbitrator could ask you how such a machine – that is defective and now part of the Moot Problem — works in general, and why Claimant was unable to fix the machine himself. An arbitrator could also inquire if Respondent concedes that the arbitral tribunal has jurisdiction to hear the case so the parties can concentrate on the substantial issues rather than arguing procedural issues. There is no correct or incorrect reaction to such situation – just be prepared that the arbitrators are not prepared.

Arbitrators are encouraged to behave in the exact same way they would do in real arbitral hearings. Consequently, they might bombard you with questions the second you have introduced yourself and your co-counsel and before making your first arguments. Arbitrators might also sit in silence until you have finished your pleading and ask only one single question. This is part of the Moot experience and it should not bother or concern you. It only shows that different backgrounds lead to different approaches – just like in the world of real arbitration.

Getting to Know the Other Side

Once you have registered onsite in Vienna or Hong Kong you will be provided with your team’s schedule. Now, you are getting
down to serious business: Who will be the four teams that you will plead against in the General Rounds?

The Moot organizers will try everything to avoid pleadings between universities from the same country. What is more, they also try to mingle the teams as much as possible. One of the unique features of the Vis Moot is that it provides for a very international environment. In an ideal Moot world, you would be pleading against four universities from four different continents. You would be introduced to four completely different legal systems and pleading styles.

There are, however, more universities participating in the Moot from Europe and the US than from countries like New Zealand, Ethiopia or Bahrain (for an overview, see our world chart in Chapter II). It is therefore more likely for you to compete against a European or an American university than pleading against teams from more exotic countries. There are pros and cons to this aspect. On the one hand, if you are from a European country with a civil law background, the pleading style and line of arguments of the African competitors will take some getting used to. Likewise, the African team will wonder why you do not show any enthusiasm when pleading your case. In such a pairing, it might be difficult for you to stay on track with your own line of arguments. On the other hand, it will be those pleadings that will stay in your mind forever and that make up the Moot spirit. Additionally, those are the pleadings where you can show your advocacy skills the most.

No matter where your pleading partners for the General Rounds are from, you should get to know them before the actual pleading starts. In fact, this is a two-fold-task: First, you could prepare for the pleading by finding out how the other team “ticks.” Do they have a common law background or a civil law background? Is the university new to the Moot or part of the Moot’s “ivy league” (i.e., those who have participated in the Moot since 1993)? Second, it is always nice to get to know the other teams personally. Why not have drinks with your “future opponents” at one of the numerous receptions that take place at the beginning of the week? In case you do not make it before the actual pleading, show up a little early and have a quick chat with the other side. Maybe you can already agree on an order in which you would like to present the issues. If the tribunal later asks whether the parties have reached an agreement in this regard, you have something to offer.

In any event, getting to know the team on the other side can help you to feel prepared and ready for your pleading and show the arbitrators why your team deserves the full 100 points.
The oral pleadings will be a great experience. But what you will probably remember for a lifetime are the receptions and parties that accompany the weeks in Vienna and Hong Kong. Those events come in handy because you will not have to arrange for meetings with newly found friends – you will meet them anyway at one of the receptions or parties that are scheduled for the day.

3.1 Receptions and Parties in Vienna

**MAA Welcome Party at Palais Eschenbach**

Traditionally, the first stop of every Vienna stay is the MAA Welcome Party at Palais Eschenbach on Thursday. Technically speaking, the MAA Welcome Party takes place before the actual start of the Moot on Friday. But especially for the fact that the General Rounds will not start before Saturday contributes to the relaxed atmosphere at Palais Eschenbach.

As a classical Austrian palace, Palais Eschenbach serves as an ideal location to welcome the Mooties from all around the world to Vienna. Its stunning chandeliers and the tasteful interior decoration create a unique atmosphere. The first big get-together of the week is a great opportunity to meet teams and coaches before the Official Opening Reception takes place the day after. This is probably also the reason why the Welcome Party at Palais Eschenbach happens to be a success year in and year out.

**Official Opening Reception**

On Friday, the Official Opening Reception at the Wiener Konzerthaus signals the festive start of the Vis Moot competition in Vienna. If you already thought Palais Eschenbach is a fancy venue, then wait until you see the Wiener Konzerthaus. As one of Vienna’s most beautiful venues, it provides enough space for the increasing number of participants every year. The Mooties will be welcomed by the organizers and several other speakers. In addition, Professor Harry Flechtner will perform his legendary CISG song and an exclusive tune in honor of the latest Moot Problem. Afterwards, everyone is invited to have a glass of wine and to chat with other participants. On this occasion, you will also witness the huge number of people that are actually attending the Moot in one way or another.
VI. Seven Days in Vienna and/or Hong Kong

Although not mandatory, most teams will wear festive evening dresses. The Official Opening Reception serves also as a great start of the first evening program, which will eventually move on to the official Moot bar, the Ost Klub.

The Moot Bar: Ost Klub

The Ost Klub has become the meeting point for Mooties, alumni, coaches and arbitrators during the Vis Moot in Vienna. Before being moved to the Ost Klub at the occasion of the 17th Moot, everyone gathered at the Ma Pitom, and later at the Aux Gazelles. The Ost Klub is located in the centre of Vienna and its doors are open almost every night during the Moot. The Ost Klub does not charge entrance fees and offers drinks at very reasonable prices.

After long Moot days, the Ost Klub offers you the chance to get out of your suit and spend time in a more casual atmosphere. The guests may compete against each other in exciting table soccer matches, have a couple of drinks at the bar, or dance on the dance floor. Therefore, every team should plan to pay (daily) visits to the Ost Klub during their stay.

The MAA Walking Tour and Goulash Dinner

The MAA Walking Tour usually takes place on Saturday. A professional tour guide leads you to well-known tourist attractions as well as to some of the secret attractions that you would probably not find if you were exploring the city by yourself. At the same time, you will learn about the history of Vienna, especially about the golden age when Vienna was the capital of the Austrian-Hungarian Empire. Even those of you who have been to Vienna before are encouraged to join the walking tour because there are tours for beginners and “advanced” Mooties.

After the walking tour, everyone is invited to enjoy a traditional Austrian-Hungarian goulash dinner.

Farewell Party at the Empire Club

By Wednesday, when the majority of the teams have dropped out of the pleading rounds, it will be time for the farewell party at the Empire Club. Those “unlucky” teams that may not plead in the Final Rounds the next day get the chance to say goodbye to Vienna in a proper manner. Sometimes, even teams that are still in the competition will show up at the Empire Club to dance the night away. Those teams deserve your praise and appreciation for demonstrating the real spirit of the Moot.
The Empire Club offers more space than the Ost Klub. From experience, the additional space is urgently needed since everyone wants to take the last opportunity to party with all old and new friends. The Farewell Party therefore guarantees an appropriate ending for the probably best experience of your life.

**The Awards Banquet**

Thursday, the last day of the Vienna Moot, starts off with the semi-finals. Once the arbitrators have rendered their decision on which two teams will proceed to the grand finale, the Moot crowd will move to the Vienna Congress Centre for the Final Hearing and the Awards Banquet. This will bring the Vis Moot to its formal end.

If you have not noticed the number of people involved in the Moot until then, you will certainly be impressed by the spectacle that unfolds in front of the Congress Centre. Hundreds and hundreds of Moot participants, arbitrators, coaches and professors will make their way to the big showdown. Again, most attendees will wear formal attire although this is not mandatory.

The pleading of the two teams that made it all the way to the finals will take place in front of all other teams and arbitrators. After the Final Hearing, everyone will be asked to leave the auditorium so that it can be prepared for the banquet lunch at 3:00 p.m. In order to attend the Awards Banquet, tickets are required and have to be presented when re-entering the auditorium. Upon registration on the first day of the Moot, five tickets are reserved for every team. Any additional tickets have to be purchased from the Moot organization team located at the Dachgeschoss. Those tickets usually sell out quickly, so make sure to buy enough tickets early.

The Banquet lunch will be served while the teams and arbitrators listen to the announcement of the various awards. The last announcement will be the one of the prevailing team of the Final Hearing. And then, the moment arrives: Your Vis Moot is officially over.

**3.2 Receptions and Parties in Hong Kong**

The Vis Moot (East) might be smaller than its Viennese counterpart, but the receptions and parties in Hong Kong are certainly no less exciting.

**The MAA Welcome Party at the Habitat Lounge**

On Sunday, the MAA Welcome Party at the Habitat Lounge will be the first social event students and arbitrators can attend during
their stay in Hong Kong. Based in the business district on Hong Kong Island, the Habitat Lounge is located in one of the island’s impressive skyscrapers. The glass facade and the terrace on top of the building make for an amazing view onto the Hong Kong skyline by night.

Since the MAA Welcome Party is scheduled before the actual start of the moot, many teams will still be on their way to Hong Kong and may not be able to attend the Welcome Party. Nevertheless, everyone who is able to make it to the Habitat Lounge should pay it a visit and enjoy the unique view. This is the first chance to get in touch with Hong Kong’s vibrant nightlife.

The Official Opening Reception

The Vis Moot (East) in Hong Kong officially starts on Monday and is inaugurated by Louise Barrington at the Official Opening Reception. The grand opening is located in one of the most glamorous venues that Hong Kong has to offer; the Hong Kong Club. Various welcome speeches are delivered and the Mooties will be able to get a first impression of the number of students that are participating in the Vis Moot (East).

Just like in Vienna, the ceremonial part of the Opening Reception is followed by an invitation to stay for a glass of wine and to mingle with other attendees of the Vis Moot (East). Once the Opening Reception has finished, everyone will move on to the Moot Bar.

The Moot Bar

Every Vis Moot needs a bar. Although you would guess that the Ost Klub (East Club) is the official Moot Bar of the Vis (East), you will not find it in Hong Kong. However, if you are looking for a place where teams, arbitrators and coaches come together after mooting all day long, the MAA will not disappoint you in Hong Kong.

However, there is not the Hong Kong Moot bar. Instead the venue changes from year to year.

The MAA Antique Open-Deck Party Tram Tour

In a buzzing city like Hong Kong, you wouldn’t necessarily expect the (relatively slow) tram to be the most popular and famous public transportation. Not until you get to know Hong Kong! You should therefore take the chance and join the MAA Antique Open-Deck Party Tram Tour. The MAA has booked two historic double-decker open-top trams on which you can enjoy the ride through the illuminated streets of Hong Kong at night.