

# ARBITRALWOMEN

The International Network for Women in Dispute Resolution



## Reflections on the Vis Moot

*Because it is a springboard for the future, history is vital. It helps to explain why an endeavour was undertaken, how it evolved, and the ways it may be further developed and improved. History warns us to remain "humble" by remembering that projects often start from nothing and take time to be recognized. It also reminds us that we have received knowledge and wisdom from our predecessors, which we must develop and pass on. Both history and time are our allies because they allow us to acquire experience. Without them, we would not be able to learn valuable lessons and keep improving.*

*This special issue is devoted to the history of the involvement of ArbitralWomen in the Vis Moot. It is a wonderful opportunity for ArbitralWomen to pay tribute to the founders of the Vis Moot, Professors Al Kritzer, Michael Sher and Eric Bergsten, and the founder of the Vis East, Louise Barrington, as well as to those who contributed to the success of the Vis and the continuation of this wonderful adventure.*

*Coincidentally, both ArbitralWomen and the Vis Moot began around the same time in 1992-1993. Louise Barrington founded ArbitralWomen with ICC colleague Mirèze Philippe to promote women in the field of international dispute resolution. ArbitralWomen now has hundreds of members around the world.*

*In the first year of the Vis Moot, 11 universities from nine countries participated. This year, 265 universities from 65 countries took part in the Vienna competition. The Vis East was established in 2003 with 14 universities from seven countries; this year saw 85 universities from 19 countries in Hong Kong.*



*April 2011 in Hong Kong, the Diplomatic Academy of Vietnam team showing the two awards they won. Left to right: Nguyen Dieu Linh, Ha Quynh Lien, Nguyen Thi Thu Trang, Hew Dundas (their coach in Hong Kong), Duong Bich Huyen and Nguyen Thi Thuy Mai*

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[www.arbitralwomen.org](http://www.arbitralwomen.org)

The Vienna Moot is held each spring – a week before Easter and after the Hong Kong Vis East. This allows arbitrators and teams who wish to participate in both Hong Kong and Vienna to travel from one to the other. The number of students and arbitrators participating is increasing every year. If we count an average of five or six students and one coach per competing team and add three arbitrators per hearing, knowing that every team is heard at least four times, it gives an idea of the thousands of students and professionals that meet annually for the moots.

After months of research, drafting, and practicing their advocacy, the student teams arrive in Hong Kong or Vienna for an exciting week of competition and fun. The lessons they learn in preparing for the Moot go far beyond legal analyses; they also learn the value of working in a team, and they forge relationships that will often last their whole careers. It is wonderful to see how the level of competence improves each year. Whether the team hails from a well-established, well-endowed American or German university or from a new, under-resourced school in Vietnam or Indonesia, excellence is the guiding principle.

Over the years, the Vis Moot has become a “must” – an event that attracts many former “Mooties,” who return regularly as coaches or arbitrators and make the event a priority in their busy agendas. It is a moment that many members of the big arbitration community enjoy, an occasion to keep in touch with colleagues and friends.

Thanks to its initiator and co-founder, Louise Barrington, ArbitralWomen has supported the Vis and the Vis East Moot since 2005. A hyperlink exists from the homepage of ArbitralWomen to Vis East and vice versa. A substantial number of members of ArbitralWomen have been participating as Moot readers, coaches, and arbitrators. The involvement of ArbitralWomen has become a continuing commitment.

In this Newsletter, ArbitralWomen will be reporting on the teams it has supported and individual members of ArbitralWomen will share some of their experiences in the Moot. We hope that the information provided will inspire future generations.

We also hope you enjoy this special issue of the ArbitralWomen Newsletter devoted to the Vis Moot.

Lorraine M. Brennan, President  
Louise Barrington and Mirèze Philippe, Founding Co-Presidents

## The Vis Moot

### Goal of the Vis Moot Competition

The Willem C. Vis International Commercial Arbitration Moot is an annual international moot court competition held in Vienna ([www.cisg.law.pace.edu/vis.html](http://www.cisg.law.pace.edu/vis.html)) and in Hong Kong ([www.cisgmoot.org](http://www.cisgmoot.org)).

The “Moot” or “Vis Moot” or “Vis Arbitration Moot” is designed to be an educational program in the form of a competition. The goal of the Moot is to foster the study of international commercial law, as well as arbitration, used to resolve international business disputes through its application to a client’s concrete problem. The Moot is also designed to train law leaders of tomorrow in methods of alternative dispute resolution. To ensure that every Moot participant benefits from an international, intercultural experience, there are no national elimination rounds. Therefore, there may be many teams competing from the same jurisdiction.

Because of the international business community’s marked preference for arbitration as the means for resolving trans-border commercial disputes, the Vis Moot was created as a clinical tool for training law students in two crucial aspects of the procedure: drafting memoranda for the claimant and respondent, and arguing orally on the basis of those memoranda.

Again, the international nature of the Moot is intended to stimulate the study of international commercial law, in addition to international commercial arbitration, especially the legal texts prepared by the United Nations Commission on International Trade Law (“UNCITRAL”) – namely the UNCITRAL Model Law on International Commercial Arbitration and the UNCITRAL Convention on Contracts for the International Sale of Goods, also known as the Vienna Convention or the CISG.

The Moot is also intended to help participants interpret the texts of international commercial law in relation to different legal systems and develop an expertise in advocating a position before a panel composed of arbitrators from those systems.

The oral arguments phase of the Moot is held in Hong Kong and Vienna each year before Easter ([http://en.wikipedia.org/wiki/Willem\\_C.\\_Vis\\_Moot](http://en.wikipedia.org/wiki/Willem_C._Vis_Moot)).

The Moot problem is always based on an international sales transaction governed by the CISG and involves procedural issues of arbitration. The rules under which the arbitration is conducted change yearly. This year the rules of the Milan Chamber were used. For next year, the newly-minted CIETAC rules will govern the proceedings in both Hong Kong and Vienna.

The Vis Moot is called the Olympic Games of International Trade Law and Arbitration (<http://www.bbc.co.uk/dna/h2q2/A588170>). Whoever has experienced the competitions can confirm this definition!

An active social program at the time of the oral hearings is organized in Hong Kong and Vienna by the Moot Alumni Association ("MAA"), which aims to continue the professional and academic relationships developed during the Moot, as well as the friendships that can last long after the Moot itself is over.

In 2007, Janet Walker, Professor at Osgoode Hall Law School and former Board member of ArbitralWomen, published a book devoted to the Moot: "The Vis Book. A Participant's Guide to the Willem C. Vis International Commercial Arbitration Book" (Juris Publishing, Inc). If you want to learn almost everything there is to know about the Moot, we highly recommend it. In addition, *"the royalties from the sale of this book are donated to projects that will help to make the Moot more accessible to those who might not otherwise be able to participate"*, says Janet. It has even inspired Juris Publishing to match these royalties so that a full 30% of the sale profits goes to these projects.

## Origin of the Vis Moot

The Moot is named for Willem Cornelius Vis, born in Utrecht, Netherlands. After working as the Deputy Secretary-General of the International Institute for the Unification of Private Law (UNIDROIT) for three years, he moved to the United Nations Secretariat in New York, where he became Senior Legal Officer. Later, he went on to become Chief of the International Trade Law Branch of the United Nations Office of Legal Affairs, and Secretary of UNCITRAL. He was instrumental in the creation of the UNCITRAL Arbitration Rules and the CISG. On his retirement, he joined the Faculty of Law of the Pace Law School in New York State, where he taught until his death in 1993.

The founders of the Moot were Professors Michael Sher, Albert Kritzer and Eric Bergsten of Pace Law School. Professor Bergsten is better known because he has actually administered the Moot since its inception. The three masterminds thought that the best way to publicize the CISG was a Moot, modelled on the already-popular Jessup Moot. They also believed that international arbitration would be a natural forum for the parties to a private international contract to resolve their dispute. Thus, the Moot was born.

The Vis Moot is organised by Eric Bergsten and his step-daughter Patrizia Natal. Originally set up under the auspices of Pace University School of Law, it is now supervised by a Verein (non-profit organisation) and directed by Professor Bergsten. It is supported financially by all the major arbitration institutions – including the American Arbitration Association (AAA), the International Arbitral Centre, Vienna (VIAC), the London Court of International Arbitration (LCIA), the Chartered Institute of Arbitrators (CIArb), the International Chamber of Commerce (ICC), major regional arbitration bodies, and the University of Vienna Faculty of Law, which also hosts the Oral Rounds.

The Vis East – founded in 2003 by Louise Barrington, who organises it each year – was originally underwritten by the CIArb and receives financial support from some arbitration institutions and many local Hong Kong law firms. In 2010, the Vis East Moot Foundation ("VEMF") was constituted as a Hong Kong charity to form a permanent structure for the Vis East. It is directed by Louise and is responsible for administering the Vis East and will oversee future Vis East Moots. The VEMF hopes to become the vehicle for capacity-building work in the countries which need it most. The plan is to send experienced "Mooties" and coaches to work with students and professors in countries which do not have a developed arbitration culture and assist them in preparing for the Vis East and the Vienna Vis Moots.

## Tribute to Eric E. Bergsten

Eric E. Bergsten, is Professor of Law *Emeritus* at Pace Law School Institute of International Commercial Law. Professor Bergsten has had a distinguished career with the United Nations where he served at UNCITRAL, first as Senior Legal Officer and then as Secretary of the Commission. From 1985-1991, he was Chief of the International Trade Law Branch of the Office of Legal Affairs. This branch serves as Secretariat of UNCITRAL. He helped create the CISG and headed the team responsible for the Secretariat Commentary on it. He is editor of the four volume, loose-leaf text International Commercial Arbitration (Oceana). During his fifteen years as a law professor, he taught a number of commercial law and international law courses at Fordham University, the University of Iowa, and Northwestern University. His numerous writings and teaching focus on commercial law and international trade law. Professor Bergsten has been awarded a "Special Award" by the International Law and Practice Section of the New York State Bar Association, a "Special Commendation" for his achievements as Director of the Willem C. Vis International Commercial Arbitration Moot by the Section on Dispute Resolution of the American Bar Association, and the Silver Medal of Honor (Silberne Ehrenzeichen) by the City of Vienna, Austria.



April 2011: Eric Bergsten with his wife Brigitta

In anticipation of Professor Bergsten's upcoming 80<sup>th</sup> birthday (<http://www.cisgmoot.org/2010/viseast8-Tribute-to-Eric-Bergsten.php>), his friends presented him with a *Liber Amicorum* at the Vis Moot in Vienna, a tribute to the remarkable time and effort he devoted to create and develop the Vis Moot. "At the Opening Ceremony on Friday 15<sup>th</sup> April 2011", said Hew Dundas, "following the conclusion of formalities, the stage was "hijacked" by a large group of contributors to the *Liber Amicorum* for Professor Eric Bergsten, presented in honour of his approaching 80<sup>th</sup> birthday and accompanied by a prolonged standing ovation from the packed over 2.000 people in Vienna Konzerthaus. This was a profoundly moving moment, one to stay in the memories of all those present for very many years".

## Interview of Eric E. Bergsten by Anna Kozmenko

From 15 to 21 April 2011, one of the biggest and most significant events in the field of international commercial law and arbitration – the Annual Willem C. Vis International Commercial Arbitration Moot – took place in Vienna. Numerous seminars, conferences and social events were organized in addition to the Moot.

Walking around the city, one could see many people in suits with badges, carrying heavy binders with material on international commercial law and arbitration.

I had the pleasure of meeting Eric Bergsten – "the man behind the Moot," who kindly agreed to share his thoughts on the Moot and international law as an "exclusive" for ArbitralWomen. We met in the Dachgeschoss at the Juridicum – the heart of the Moot life – where I interviewed him over a cup of coffee.

### **AK: Professor Bergsten, how and when was the idea of Vis Moot developed?**

EB: The idea of the Moot was originally proposed at the UNCITRAL Congress on International Commercial Law that took place at the General Assembly Nations Hall in New York in 1992. A New York lawyer came up with the idea and it was widely supported by other participants. By the way, at that time the primary idea of the Moot was not arbitration, but the CISG. The whole concept, though, was built on Jessup Moot Court Competition, which focuses on issues of international public law. Therefore, we agreed upon arbitration as a main form of the moot, while its primary focus would be the CISG, especially at the time when UNCTIRAL was developing the direction on adjudication of international commercial disputes through arbitration.

### **AK: Why was Vienna chosen as a Moot venue?**

EB: It is true that the initiative of organizing the Moot was supported by Pace Law School, where the two former Secretaries of UNCITRAL were teaching, Willem C. Vis and me. However, since UNCITRAL was based in Vienna and it was important to attract to the Moot as many international students as possible,

Vienna was the preferable location. In the initial stages of the Moot, I could provide the necessary logistics in Vienna, and that also largely determined the venue.

### **AK: Why is the Moot format thought to be the best to educate students and expand knowledge of international commercial law and arbitration?**

EB: Well, that is what was proposed from the very beginning. The Moot follows a very practical format which serves its educational purposes, where students don't just possess dry theoretical knowledge, but also learn how real arbitration works in terms of procedure. It is more interactive, provides students with an opportunity of playing a more active role while learning.

### **AK: Indeed, it is a great learning experience, especially when students face multi-sided issues in problems presented in a very original way!**

EB: In terms of the problems – this year was especially unique. It was completely based on real facts with slight adaptation to the Moot. Normally, we look at the CISG and think which issues might be of interest this year, we try to create a situation that would include all these issues to provide students with opportunity to develop interesting arguments and propose original solutions. Sometimes I am surprised to see how many answers students are able to find for different issues that I have hardly had in my mind before. I should emphasize that we are always trying to get real life situations based on usual commercial deals.

### **AK: It is also interesting to learn how the Moot was developing for the last 18 years, what major changes have happened, and what trends you see?**

EB: First, the Moot has largely expanded. The first Moot court in 1993 was attended by 11 teams; this year we had over 260 teams. It has become really international since more and more teams have been coming every year from different countries. Second, originally the Moot was supposed to focus on the CISG. However, it has changed with the years, and the arbitration part of it has grown significantly – and prevailed to some extent. Third, today students' approach to the Moot has changed. Students are extremely well-prepared and possess deep knowledge in international commercial law and arbitration. They also get a lot of training that gives them more experience in terms of practice. Some teams participate in the Moot for years. Students nowadays can get more advice and tips from coaches and previous team members.

### **AK: In terms of training for the Moot, what is your attitude towards Practice Moots?**

EB: If we look at the Moot as a competitive process, I think pre-moots should be prohibited because it makes competition unfair. A lot of teams for various reasons cannot attend such pre-moots and, therefore, are in a disadvantageous position to those teams who manage to participate in one or even more pre-moots, where they get additional training, see other teams pleading, and

get feedback from arbitrators. If we look at the Moot as an educating program, pre-moots are certainly helpful because the more you argue the better you understand the problem.

**AK: Indeed, training is very important for young practitioners. How does the Moot affect the participants career-wise?**

EB: The Moot certainly affects students' careers. After participation at the Moot, some students decide to develop their careers in the field of international commercial law and arbitration, practicing outside their countries of residence. It is also the case that having Moot experience is an advantage when students are looking for a job. Young lawyers with Moot experience will be considered for an interview as preferable candidates. Some law firms sponsor and watch teams for recruiting purposes as well. I also recommend that young practitioners meet people, publish, participate in conferences, and become speakers, when possible. And, whatever you do – do it well! There are also some practical tips on how to become an arbitrator on the Moot website. On a different note, there have been several Moot marriages.

**AK: Indeed, the Moot is a great place to meet people! Does the week in Vienna also affect the life of the arbitration community?**

EB: That's a difficult question, but, taking into consideration that the Moot is an event where so many people involved in arbitration meet, it does. Moreover, the week is full of conferences, seminars, and social events. The pool of people coming to Vienna is really big; it is accessible and easy to come just for one day! We have students and practitioners with different levels of experience, as well as distinguished arbitrators. It is a good place to exchange ideas and generate new ones.

**AK: What about the East Moot and what is the relationship between the two Moots?**

EB: Putting it simply, it is a franchise. I know the people who are doing East Moot well and I completely rely on them. We have an agreement according to which they can use the name, must use the same problem, and the rules have to be consistent with the Vienna rules. It is very good that the East Moot is held in Hong Kong, which has only three law schools. It can serve as a truly international platform for the Moot, where students come from all over the world with some focus on South-Eastern Asia. That can't be the case with India, for instance. What is important is to avoid making Moots regional; they should stay international in any event. I would never support the idea of having regional or preliminary rounds. Every team should be given access to a truly international competition and a chance to meet their colleagues and practitioners from all over the world.

**AK: Are there any thoughts of having some other franchised Moot Courts?**

EB: So far, it is not an issue. Of course, at some point we will exceed the limit of teams that we will be able to have in Vienna. But, so far, our facilities can handle the number of teams attending

Vienna every year. In fact, there are no limits, but if it becomes an issue, we will think about another franchise.

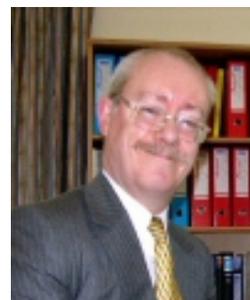
**AK: Will the Moot be in Vienna next year? Will you disclose to us the issues to be included in next year's problem?**

EB: It will stay in Vienna. Regarding the problem, I have a couple of thoughts, but, so far, no idea what the problem is going to be about! We'll see in a bit of time. We also hope that teams that were not able to participate before will join us in the future, including some from Europe, such as Norway and Albania, Central Asia, and Africa.

She reported that she had an extremely good experience serving as an arbitrator for several rounds. She found the level of students so impressive that one could never imagine being in front of students. What also impressed her was the capacity of students coming from non-English speaking countries to plead in excellent English. It is very important that so many young people go truly international. Anna added that she definitely looks forward to being there next year.

## Hew Dundas: Moot Special Supporter

Hew R. Dundas devotes significant time to the Vis, mainly the Vis East, each year. Every Mootie of the Vis East knows Hew. This year, he spent three weeks on the "Vis Mooting Road," as he refers to it. Mooties who benefited from his support know and appreciate his generosity. He is not only there to hear arguments. He stays throughout the Vis East week in Hong Kong and then the same in Vienna to serve as an arbitrator hearing arguments which he is scheduled to hear, and also as an arbitrator available to fill gaps in tribunals if needed. When he is not hearing arguments, he speaks to students, advises them, and is ready to coach them on the spot – especially when they have no coach during their preparation. Hew watches, supports, guides. He is like a mother and a father, according to some Mooties, caring for each student or team in need of help.



Vis East Director Louise Barrington is effusive in her praise of Hew. *"The Vis East has had wonderful support from its host schools, from the legal community, and from the Chartered Institute of Arbitrators. But far and away our most loyal fan and backer is Hew Dundas. His enthusiasm, not only during the Moot, but also year round, has brought scores of new supporters to the Vis East, both as arbitrators and as readers of the written*

*memoranda. I always count on Hew to lend an ear, and then go to any lengths to solve problems that might arise. I'm really delighted that Hew has joined as one of the founding directors of the new Vis East Moot Foundation. It's a comfort to know that Hew is in the picture."*

Once the Vis reaches its end, Hew immediately reports the results on the OGEMID list serve (Oil-Gas-Energy-Mining-Infrastructure Dispute Management). Hew was pleased to report in his messages of April 2011 that Vis East VIII was a huge success with 87 teams from 22 countries participating and nearly 900 people, and that Vis Moot XVIII was another resounding success with 265 teams from 65 countries participating and, in all, approximately 2,500 people (student participants, coaches, arbitrators, administrators, and others) involved. He said that *"the word 'huge' does not begin to describe such an enormous event"*. Hew was happy to note that *"OGEMID-ers were very much involved (particularly as readers) having responded splendidly to the requests for support"* and *"that there was a group of 'usual suspects' hovering near the Administration Desk [in Vienna] who covered for the relatively few last minute vacancies."* Hew also praised *"the management and administration of the Moot"* which *"was flawless, with an outstanding team ably and efficiently directed by Mag – Patrizia Netal, Eric Bergsten's step-daughter. Also, (as always) the infrastructure of law firm and other receptions in the evenings provided valuable opportunities to meet old friends and colleagues and to meet/make new ones."*

In another message Hew reported that *"Each Vis Moot has its own flavour, but I will remember this one in particular not only for the profoundly moving presentation to Professor Eric Bergsten of his Liber Amicorum, but for the extra layers of 'internationality' that I saw, experienced, and enjoyed both in Hong Kong and in Vienna. As always, the 2011 Vis Moot has been one of the great events in the world's legal calendar, richly rewarding for its participants, be they 18 or 80. That this is so is very substantially down to the efforts, dedication, vision, skills, persuasiveness, even genius of one man."*

## Introducing the Willem C. Vis East Moot by Louise Barrington

The goal of the Vis (East) Moot is to share with the original Vis Moot in Vienna the promotion and study of international commercial arbitration.

This year, for the first time, we decided to limit participation in the Vis East Moot. The consensus among all those who have attended in recent years was that they wanted to keep Vis East "small and friendly." So, after announcing the cap and setting an official opening for registration, we closed registrations at the end of September. This year's Moot was still the largest ever, with 85 teams participating from 19 jurisdictions. This means that close to 900 people – students, coaches, arbitrators, and friends took part in Vis East 8 at the City University School of Law. Without the cap, we would have reached close to 100 teams, and it's regrettable that some teams were disappointed. We were particularly happy, however, to see so many Asian teams participating.

Students, coaches, and professional arbitrators from around the globe collaborate to create this practical forum for the development of international legal skills. The students have been working tirelessly since early October, first on research, then on drafting, and now on their advocacy techniques.

The Vis Moot and Vis East are renowned not only as educational exercises, but also as unique opportunities for arbitration professionals to meet and get acquainted in a truly international exchange. Arbitrators from law firms come to the Vis Moot to witness the development of some of the world's most-talented, young legal minds – the young people who are the future leaders of our profession. The Moot Alumni Association, by maintaining the connections among former competitors and arbitrators, is building an invaluable network for the exchange of news and scholarship. The Moot's social activities create an atmosphere that fosters the

exploration of different cultures and the development of transnational friendships that will endure for years to come.

I congratulate all the teams who came to Hong Kong, as well as heartfelt thanks to those of you who participated in your home countries by research, coaching, or evaluating the memoranda. Recognition is due as well to the Chartered Institute of Arbitrators, especially the East Asia Branch. With all that, the Vis East has emerged, like its sister in Vienna, as a dynamic and growing enterprise.



This year's Vis East was, as always, a great success, and dozens of young advocates expressed their appreciation to me in glowing terms. They wrote comments such as: *"A once-in-a-lifetime event," "a life-changing experience," "a unique chance at meeting wonderful people from every corner of the world."* The friendships they have formed and memories they take home will last a lifetime.

Without the arbitrators, none of this could happen. The practical advice and generous commentaries on both the memoranda and the oral advocacy are what makes the Vis East an invaluable educational occasion. The willingness to give up their time to read, to travel, and to spend hours (in some cases whole days) with the students, is truly amazing.

Despite the fact that this year was the biggest Vis East ever, people really mingled and had a great time getting to know each other, and it's so gratifying to see the improvement in the level of some Asian teams that have been attending for the last two or three years. There's a ripple effect as previous "Mooties" continue on as student coaches, or return to help out the next year's teams. There's a new arbitration culture growing in Asia and Vis East is a big part of that.

## The Spirit of the Moot Award by Colin J Wall

There is a huge disparity among the resources available to university students who attend the Vis East Moot, so in 2008 the organisers decided to introduce a new award entitled "The Spirit of the Moot".

The award is given annually to the team which had to overcome the most obstacles to participate in the Vis East Moot. Unlike the other four awards given to the students, this one is special because it is the students themselves who nominate the teams to be considered for the award.

At the assembly, all of the students are asked to stand. The Moot Alumni Association President asks students to sit down, if they have received funding. Of the remainder, those who have coaches are then asked to sit down. This usually leaves only a few students standing. These students are then approached by the more fortunate students and asked what obstacles they had to overcome to reach the Moot in Hong Kong.

There is a nomination form provided to all of the teams, entitled "How lucky are you? What are your recourses?" The front page of the form comprises a series of questions designed to elicit from the teams completing it exactly what resources and assistance they have had in order to participate in the Vis East Moot. On the reverse of the form is a space which enables the nominating team to explain why it is proposing another team and one which is clearly less fortunate than themselves for the award. The nomination forms are then examined by an international team of experienced arbitrators participating in the Vis East Moot – and a winner is chosen.

The previous winners have been Waseda University of Japan, the Diplomatic Academy of Vietnam, and the Rajiv Gandhi National University of India.

## The Winner of the Spirit of the Moot Award in 2011

Patricia Barrington, Louise's mother, who worked tirelessly beside her in the early years to create the Vis East, and who attends each year to meet the students, delivered the Spirit of the Moot Award, which Louise received on behalf of the National Law Institute University of Bhopal, India. Unfortunately, because of financial pressures, the team had to travel back home before the end of the Moot. The Award was presented on 10 April 2011 in Hong Kong during the closing ceremony gala lunch.



*10 April 2011, closing ceremony of Vis East in Hong Kong: Patricia Barrington (with Louise) announces Bhopal University as winner of the Spirit of the Moot Award*

In presenting the Award, Mrs Barrington said: *"This is a special award because you the students nominate the team that you consider to have the courage, ingenuity and determination to make their dreams come true."*



*April 2011: Vis East finalists with arbitrators and coaches*



*10 April 2011 in Hong Kong: winning team Bond University of Australia and finalist team City University of Hong Kong, with Louise Barrington and finals judges Doug Jones of Sydney who chaired the final-round panel, Sabine Stricker-Kellerer of Munich, and Florentino Feliciano of Manila.*

## The Vis Moot: Not Just a Competition by Matthew Secomb

The Willem C. Vis moot reflects three of the best things about the world in 2011: the movement toward equality of opportunity, the positive aspects of globalization, and the harnessing of youth.

The moot epitomizes equality of opportunity. This must be understood in contrast to equality of results. Some people are smarter, faster, work harder; they should get better results than those who are not as smart, slower, or don't work as hard. People don't deserve the same results. But they do deserve equality of opportunity – often called an “even playing field” – which is a concrete way of achieving underlying equality. And the moot is a wonderfully level playing field! Once participants are seated before the Tribunal, they are judged on their performances as advocates. Their sex, race, nationality, and background are unimportant.

This can be seen in the Moot results. This year, teams from China, South Korea, Mexico, Poland, and India made the finals. Indeed, the University of Montevideo – a first time participant – also made it all the way to the final. Equally, a rough statistical analysis of the prizes for the best individual oralists suggests no meaningful distinction between women and men. (This year, about 50 women and 40 men won individual prizes). Even language doesn't seem to make much of a difference. In 2011, more than half the teams that made the finals came from non-Anglophone countries.

I have also experienced this on a personal level. Having coached Vis teams for a number of years, I have seen pleaders from all over the world – of different genders, language, and cultural backgrounds – do well at the Moot based on their skill, hard work, and intelligence.

The Moot also reflects the “good bits” of globalization. Technology and transport improvements mean that the world is now smaller and more interconnected than ever. This effect goes by many names, “globalization” being the most common. And the Moot personifies globalization. It brings together teams from over sixty countries to focus on a positive, educational experience. This has many lasting effects, most profoundly, friendship. People who participate at the Moot almost inevitably leave with new friends from around the world. Sometimes, such friendship blossoms into love, and the Moot is responsible for some rather exotic couples (my favorite being Mexican-Mauritian). Another is long-term professional contacts. People participating in the Moot are just starting off their professional careers. The Moot often plays a critical role in jump-starting an international network of contacts that ultimately serves participants well.

Finally, the Moot can play a key role in getting young people's legal careers moving – particularly regarding advocacy. In most legal environments, the opportunities to do advocacy are limited, and thus tend to be reserved for older lawyers. However, the world is, statistically speaking, getting younger – particularly in developing countries. Here, the Moot plays an important role because, put simply, people who have done the Moot are much better prepared for their first real advocacy experience than those who have not. Senior lawyers – and those charged with recruiting young lawyers – are realizing the value of the Moot experience, and, hopefully, it will see younger lawyers getting more opportunities to undertake real advocacy. My experience certainly reflects this. Around a third of the lawyers in my firm's Paris arbitration group (White & Case) have been involved in the Moot.

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## Ability of Students to Participate in the Vis Moot

The Vis Moot is not the only practice moot organized in the world, but it is probably the most famous and popular one, drawing thousands of people from around the globe. The contributions of the organizers, drafters of the practice moot, professors, coaches, arbitrators, students, law firms, and institutions have made the Moot a tremendous success year after year. Many students take part in the drafting of the memoranda – first the request, then the answer. Some of them travel to Vienna or Hong Kong to plead before arbitrators coming from different jurisdictions and benefit from an extremely rare opportunity to see some of the world's leading practitioners at work.

Participating in the hearings is essential for the students who are confronted by teams from different legal cultures, and who are heard by arbitrators from various legal backgrounds. Such experience is invaluable for their future careers.

The participation of the teams in the oral rounds in Vienna or Hong Kong is usually sponsored by the team's university or outside sources, mainly law firms. However, as indicated above, the degree of sponsorship varies around the globe. Commonly, costs of the trip itself and of the accommodation are not borne by the students themselves. However, this is not the case of most of the teams coming from developing countries. In addition, teams must pay a registration fee of some 600 Euros. Thus, financing participation in Vienna or Hong Kong is not accessible to all teams, which can be a pity considering that very capable students may be impeded from joining.

## Origin of the Funding by ArbitralWomen

In the summer of 2008, Louise Barrington, in her capacity as Director of the Vis East, received yet another request for a waiver of the registration fee for the Moot. Since the Vis East relies on registration fees, she sent her usual regretful reply. Noticing that all the members of the team were women, she suggested that the team approach ArbitralWomen, which at the time she co-chaired. The Vietnamese school had prepared for the Vis East the previous year, but had been unable to raise the necessary funding and therefore unable to participate. *"Faced with their determination, we knew we had to develop an Award", said Louise, "and I'm delighted that these two organisations have developed such a beneficial relationship."*

After requesting and receiving information about the team, the members of the ArbitralWomen Board approved payment of 800 US\$ as the registration fee for the team, allowing it to attend the Vis East Moot for 2008-2009.

ArbitralWomen then decided to support teams competing in worthy causes linked with women in arbitration.

Thanks to this modest contribution, the teams supported were able to enjoy memorable moments in Hong Kong or Vienna. The main condition required of teams applying for support is that at least half of the members of the team be women.

*"Our aim is to focus on teams from countries that have never participated, especially in places where women are under-represented in the business and arbitration communities,"* said Mirèze Philippe, Special Counsel at the Secretariat of the ICC International Court of Arbitration and former founding co-president of ArbitralWomen with Louise Barrington.

*"It is great to see new teams from developing countries join the Moot. I am delighted that ArbitralWomen is helping to open the door to the world of arbitration for bright students who may lack the resources to participate in the competition,"* said Yulia Andreeva, legal counsel at the United Nations Development Programme and member of the Board of ArbitralWomen.

## ArbitralWomen Funding Program by Rashda Raba

Since summer 2008, ArbitralWomen has set up a sub-committee to assess and recommend mooting teams for financial assistance. Initially, I was involved on an informal committee basis, but, since becoming Treasurer of AW, my position has become more formal. This year, the sub-committee is comprised of Louise Barrington, Karen Mills, and me. Mirèze Philippe is, of course, a constant guide and help.

The ArbitralWomen funding program now in place aims to assist not just those teams from jurisdictions with minimal, if any, forms of assistance available to them, but also, importantly, those teams which have a predominance of women. At ArbitralWomen, we believe in promoting women in dispute resolution as much as we can and, in turn, assisting in enhancing the position and reputation of women generally.

We hope our support helps promote those women who would not otherwise have the opportunity to participate in events, such as the Vis and Vis East Moots, and ensures that the broadest spectrum of Mooties is able to participate – without women being disadvantaged by a threshold issue of payment.

Thus, our main task is to assist those women most in need and for whom a registration fee could mean the stark choice between attending and not attending the relevant Moot.

Consequently, it has been an extremely fulfilling, but difficult journey. There are always so many deserving teams that deciding who should get the funding is always a complex and demanding task. It has meant that, unfortunately, having assessed applications very carefully, on occasion we have not been able to offer any assistance. In order to make the assessment process fair, transparent, and easier (on the conscience of the decision makers!), ArbitralWomen came up with a policy which the sub-committee implements. The core of the policy is to live by the ArbitralWomen values of promoting and supporting women in arbitration in all its guises. An example of the type of funding envisaged by this policy is the payment by ArbitralWomen of the registration fee for a law school team's attendance at an activity, such as the Vis East International Arbitration Moot.

The whole sub-committee has sought out teams who have received funding at the Moots and congratulated them on forging ahead in difficult times and terrible circumstances. For example, one particular and very fond memory will be with me always from the 2009, Vis East Moot. It concerns one wholly female team from Vietnam – the first team to seek assistance. They were young, energetic, without a coach, no library facilities whatsoever, and no other financial or moral support. They were in desperate need.

Desperation aside, each one was the epitome of an ArbitralWoman: a go-getter, never-say-never, half-full-glass woman with gumption and ready for action! Given their circumstances, they did very well at the Moot and topped off a fabulous, fun-filled week by appearing for the group photo and Gala Luncheon in their splendid national dress – to the joy of everyone there. This team also won the Spirit of the Moot that year.

The ArbitralWomen funding gave them the opportunity of an experience they will relish forever; one that will feed their enthusiasm for dispute resolution and, in turn, make them role-models to young women like them, not just in Vietnam but everywhere. That is how the word spreads; that is, in fact, how revolutions happen. I think sometimes the smallest contribution, such as the ArbitralWomen funding, can lead to amazing things. We hope that the continued support of our members, which enables this assistance, will allow us to change the ripple effect into a tide of good hope and change for women all over the world. I, for one, plan to remain a part of the good work for as long as my brain cells are still connecting – and hope you will, too!

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## Commitment of ArbitralWomen Members by Mirèze Philippe

The award or funding provided by ArbitralWomen covers registration costs, which in some cases can make the difference in whether or not a team can participate. For several years, the involvement of ArbitralWomen with the Vis Moot has not been limited to financial support, but also extends to reading and evaluating memoranda, coaching teams, preparing them for the Moot, and serving as arbitrators to hear the oral rounds in Hong Kong and Vienna. Here are some reports and impressions shared by some of our members:

*“Providing financial support is a key factor, but by no means the only factor,”* according to **Janet Walker**, Professor at Osgoode Hall Law School in Toronto and former member of the Board of ArbitralWomen. *“It takes all kinds of support and encouragement to help those new to arbitration to gain the knowledge and experience to succeed, and to pass on the benefits to others,”* said Janet. Janet has been coaching teams at Osgoode for the Vis Moot for many years and has also travelled to Tunisia to help a team prepare for the Moot.

**Lorraine Brennan**, Managing Director at JAMS international, Professor at Georgetown and President of ArbitralWomen, said that she got involved as an arbitrator for the Vis while she was with the ICC. She coached the Cornell Law School teams (only on the brief, as she was just there for the Fall semester) and helped the Georgetown team, judging some of their preparation sessions and giving them feedback. She also participated and started the USCIB/ICC pre-moot and served as arbitrator for the Fordham pre-moots.

**Karen Mills**, legal advisor at KarimSyah Law Firm in Indonesia and member of the Board of ArbitralWomen, has been coaching the Universitas Indonesia team since 2002 when it started participating in the competitions. The photo, thereafter, shows that the team was all women – except for one man. That man and two of the women are now coaching future teams.



2006, Universitas Indonesia. Left to right: Serafina Muryanti, Josephine Hadiwijaya, Arief Budiman, Karen Mills, Windri Marieta, and Indira Yustikania

“I am amazed to see, since 2000 when I started participating in the Moot, how the level of the students has improved every year,” said **Mirèze Philippe**. *“I always look at the students and hear them with emotion, like a mother admiring her children. I can see all the dedication and time they spent preparing for the worldwide-known competition. I am stunned by the quality of their arguments, many of them are so professional. Looking back thirty years earlier, few of us at their age were capable of pleading in such a professional style.”*

*"After the oral arguments I hear and the comments I give to the students with fellow arbitrators, I sometimes speak with students individually in order to avoid embarrassment, when I feel that additional comments may be useful. It happened, for instance, that students were so tense that they could hardly speak up or were unable to answer easy questions; they looked panicked. Therefore, I try to reassure them and tell them how courageous they are to participate in such important competitions and that, whatever the result may be at the end, this experience is the best they can have for their future life. I remind them that arbitrators are human beings like them and that they should not fear them; that students have different levels and that they should not feel ashamed or embarrassed because others are more capable or trained. I explain that this comparison should only stimulate them and help them to do better in the future. After all, the purpose of the Moot is to learn, train, participate in the competitions, and build an invaluable experience.*

*"It is always exciting to participate in the pre-moot and the Moot, as well as to evaluate memoranda. When I cannot make it to Vienna, I feel sad not to share these memorable moments. I miss the party and all my friends of the arbitration community. When you enter the Moot circle, it is hard to stop afterwards", Mirèze added.*



*8 April 2011 at the pre-moot in Paris at the ICC. Left to right: Oskar Kroll, Helen Loose, Manuela Kreuzeder and Christiane von Bary from the University of Passau (Germany), and Krista Correa and Amy Endicott from the Berkeley Law School (USA). They were heard by an arbitral tribunal all of whom are ArbitralWomen members, Maria Beatriz Burghetto, Lorraine de Germiny and Mirèze Philippe.*

**Margaret Moses**, Professor of Law at Loyola University Chicago, coaches and travels with her students every year to Vienna. They also participate each year at the pre-moot sessions held at the International Chamber of Commerce in Paris.

*"Al Kritzer, one of the founders of the Vis Moot, called me out of the blue one day in the fall of 1994, and invited me to be an arbitrator in Vienna for the Second Vis Moot International*

*Arbitration Competition,"* said Margaret.

*"He had seen an article I had written on the CISG, and thought that anyone writing in this area should be part of the Vis Moot. It was always difficult to say no to Al, so I ended up participating as an arbitrator in the Second Vis Moot in the spring of 1995. There were fourteen teams, and the final banquet was held in a restaurant. There was also an informal dinner held in a restaurant one night for the arbitrators. Sitting next to me, Al asked how we could keep the momentum going for a competition that both energized and encouraged students to learn about the CISG and arbitration. I suggested that there should be an organization of alumni of the Moot to help students network, stay in touch, and benefit in practice from their experiences in Vienna. Al, who was always a mover, immediately organized the Moot Alumni Association.*

*"When Al first called me, I was a practicing attorney. A few years later, when I joined the law faculty of Loyola University Chicago, I suggested that Loyola send a team to the Moot. In addition, after clearing the idea with Eric Bergsten, I proposed teaching a class focused around the Vis Moot competition. Loyola was very supportive, so in 2000, I taught my first class focused on the Moot, and took my first team of students to Vienna. It was the Seventh Moot. Three years later, when the Vis Moot East began, we started sending teams to both Vienna and Hong Kong. We call our students Vis Moot Fellows, so that they can put that title on their resumes. Many of our students find that the Vis Moot experience is one of the best, if not the best learning experience they have in law school."*

Margaret's team was a finalist in 2004 and a semi-finalist in 2006. The team won first and second runner-up awards on briefs, as well as lots of Honourable Mentions for briefs and individual oralists.



*8 April 2011, Loyola Law School team at the pre-moot in Paris at the ICC. Left to right: Margaret Moses (professor at Loyola and coach of the team), Geoffrey Pariza, Caroline Erol, Christine Hake, Bradley Lorden*

**Ann Ryan Robertson**, counsel at Locke Lord Bissell & Liddell, first female chair of the Chartered Institute of Arbitrators in North America, member of the Board of ArbitralWomen, said that this year marked her ninth year to coach the University of Houston Law Centre team. For the past seven years, her university has competed in Hong Kong.

*"To participate at the Willem Vis Moot has been and will always be a challenge for both students and coaches,"* said **Inès de Saint Martin**, professor and coach of the team from the University of Buenos Aires, Argentina. Inès regularly brings a team to the pre-moots in Paris and to the Moot in Vienna. *"Despite the fact that it has been deemed as a major academic experience, for many of us the Vis Moot has also become an enriching turning point in our lives. The students, as most of the participants from more than 250 law schools worldwide, have furthered their exposure to an international environment, strengthened their advocacy and team-work abilities, and made new friends from different countries."*



*April 2011, entrance of the Vienna Conference Center. Left to right: Inès de San Martin (coach and professor), Natacha Gedwillo (coach), Victoria Vasalo, Florencia Villaggi (coach), María Luz Nuñez, Soledad Schenone; María Cecilia Ercole*

She added that *"it is important to note the increasing number of women that participate at the Vis Moot, as students, coaches, and arbitrators. This fact is clearly showing a trend and, probably in the near future, we will see many of these names in arbitral panels, in leading law-firms, or as members of arbitral institutions worldwide. We all hope for further participation of women in arbitration and, undoubtedly, the Vis Moot is probably the best way to start moving into that direction."*

## Teams Supported by ArbitralWomen: Reports by Mirèze Philippe

### 1. First Year of Funding (2008-2009)

The first three recipients of the ArbitralWomen funding for the 2008-2009 edition of the Moot were teams from the Faculty of International Law, Diplomatic Academy of Vietnam, the University of Padjadjaran from Indonesia, and the Faculté des sciences juridiques politiques et sociales from Tunisia.

1. The Vietnamese team, an all-female team, the very first recipient of the ArbitralWomen funding, won the "Spirit of the Moot" award in Hong Kong. Hew Dundas said he was particularly impressed by the Vietnamese. He added that *"On day one of the oral arguments, they had no idea what would happen and had never held any practice rounds, but on day four I thought they outscored a well-known German university."* This was the first time a school from Vietnam had participated in the Moot. It is a truly remarkable achievement and ArbitralWomen is happy to have supported the team.
2. The Indonesian team was also an all-female team. This university had already participated in the past two years, but the financial situation and the currency fluctuation made it difficult for them to gather the funds necessary to attend. ArbitralWomen decided to support this team.
3. Although the team from Tunisia was of mixed gender, it had not participated in any Vis in the past. ArbitralWomen thought it was important to encourage students from this region of the world to participate in the competitions. The team said it was proud to have represented Tunisia well and to be one of the two participating Arab teams – and the only one from North Africa. The funding of ArbitralWomen was a valuable help to fulfil their goals and make their dream become reality. The team said that the Moot required hard work – especially since English is a third language for them – constant coaching, as well as bibliography available to help the students in their research. They said they will continue to work on improving their score.



*April 2009: Janet Walker, coach, and Rabeb Zammouri, member of the Tunisian Team, first North African woman to plead in the Vis*

## 2. Second Year of Funding (2009-2010)

The second time ArbitralWomen granted funding, the decision was again easy to make as only three universities asked for financial support. The three were the same recipients as the previous year, except for the team from Indonesia, which was this time the University of Indonesia.

1. Janet Walker, who coached the team from Tunisia, reported that, after the team was granted key support by ArbitralWomen, it worked hard to raise the necessary funds from a variety of local sources to enable it to travel from Tunis and participate in the oral rounds held in Vienna from March 26 to April 1, 2010. Janet said it was a privilege to work with Professor Alastair Mullis, Sami Houerbi, Joachim Kuckenbug, and others in coaching the team over the months before the Moot, as they developed their arguments and their advocacy skills. In Vienna, it was wonderful to see them practice with the teams from Osgoode and McGill, present their arguments at the rounds so effectively, and make such a favourable impression on so many members of the international arbitration community.

One of the members of the team, Sana Bhar, said that it was a tremendous educational event, a unique experience, and an occasion to see the professional world before graduating. She added that they discovered a new world, as they made contacts with very impressive people.



March 2010 at the opening ceremony in Vienna. Left to right: Olfa Tayachi, Ahmed Meziou, Sana Bhar, Nora Ben Ameer, Janet Walker, Sana Boughalmi, Ghassen Ben Amor

2. The team from the Diplomatic Academy of Vietnam was grateful for the support of ArbitralWomen. *"You believed in us and encouraged us,"* said a member of the team. *"Thanks to your support, we were strongly inspired to complete our memoranda and to participate in the Moot. We consider this to be a miracle and we worked hard to show our appreciation and that we deserved all the help we have received from ArbitralWomen and Hew Dundas."*



March 2010, Hong Kong, first match of the team from the Faculty of International Law, Diplomatic Academy of Vietnam (vs Maribor University from Ukraine). Left to right: Nguyen Phuong Anh, Le Thi Thuong, Tran Phan Nam Phuong

The faculty was running out of human resources and, therefore, had no coach to train the team preparing for the competitions. The team had only one course on international commercial arbitration which provided a basic approach of this field. Hew Dundas sent the team some famous books on arbitration which were very useful. *"Our seniors shared with us their experience and knowledge from their moot-time and their working-time,"* said a member of the team. *"However, we had no real training and nobody to help us find the necessary funding. We worked hard with the hope to have a chance to compete with other students from other cultures and to learn from them. It would have been a great disappointment if we did not have the chance to live this challenge."*

Luckily, Hew was willing to be their coach during the oral round. He taught them how to give persuasive arguments and control their speaking. He explained how to find the room in Hong Kong University and Hong Kong International Arbitration Centre, the arrangement of the seats in the room, and so on. He played the role of teacher, coach, and mentor and the team considered him like a father because of the care and kindness he showed them. *"Without him, we would not have understood the purpose and the meaning of the Vis East."* They said that they did not go further in the oral round, but that they received much praise from other teams and arbitrators.

The team added that it was a privilege to meet so many famous and experienced lawyers, arbitrators, and professors from all over the world, whose talent and knowledge are invaluable. They considered it an honour to be among teams who were awarded the prize of best memorandum for respondent. They hope to have another chance to participate in future competitions.

*"We gained an unforgettable experience that we could never dream building without the Moot. We had to digest a large amount of material, train, watch, listen, learn. We also learned how to deal with every practical detail that we were not used to handle, and to overcome difficulties. All of these lessons gave us more confidence.*

*"Furthermore, the support of ArbitralWomen gave us more belief in our process of raising funds to travel to Hong Kong. We were honoured to receive sponsorship of 1.000 US\$ from Allens Arthur Robinson law firm in Hanoi and 1.000 US\$ from Mr. Bill Magennis, one of the partners.*

*"Our participation in the Hong Kong 7th Vis Moot turned out to be an unforgettable memory to all members of the team. In addition, we made friends and learned about other cultures. The Moot was a once-in-a-lifetime event for us. With the support of all those who helped, they made our dream come true."*

3. The team from Universitas Indonesia was composed of three women and one man. They were coached by their seniors, who had participated in previous Moots, and also received assistance from Karen Mills. However, they only had limited number of books and no access to other resources, including on-line. They had to struggle to find financing while preparing the memoranda and oral pleadings. Their faculty could only provide limited financial assistance and the Moot is not part of the faculty's program. Despite these obstacles, they said they were willing to go through the whole process because they considered the Moot to be a priceless experience. They expressed their deepest gratitude to ArbitralWomen for its support, which lightened the financial burden, and to all those who allowed them to make it to Vienna.



*March 2010 at the Juridicum in Vienna, team from Universitas Indonesia. Left to right: Naftalia Siregar, Simon Barrie Sasmoyo, Grace Gabriella Binowo and Zefanya Siahaan*

They managed to go to the advanced round consisting of 64 teams, assessed in the general rounds. Eventually, the team was ranked 63 out of 251. One of their team members, Naftalia Siregar, also received an award for best oralist (Honourable Mention).

*"Participating in the Moot was an invaluable experience. The Moot was the best place to learn the practice of international commercial arbitration and the art of advocacy, skills which we would never have been able to get from in-class learning. Throughout the tough oral rounds, we learned how to improve ourselves, address every question of the arbitrators, and develop teamwork. We had a great time in Vienna and we were happy to live this experience. It was rich on the academic level, the social events, and the people we met. We now have friends from all over the world."*

### 3. Third Year of Funding (2010-2011)

This year's funding was granted to four teams who submitted their request on time: the Faculty of International Law, Diplomatic Academy of Vietnam was funded for the third time; two teams from Indonesia, the University of Indonesia and the University of Padjadjaran, were supported for the second time; and the Rajiv Gandhi National University of Law from India received funds for the first time.

1. The Diplomatic Academy of Vietnam has been supported by ArbitralWomen for three years. This team, attending its third year of Mooting and from a school of international affairs, not a law school, was the only Asian team to do the double. Considering this achievement, it would have been a pity if it had not found the support to enable it to participate in the Moot. The team, comprised of five women, also had no coach, just like previous years, but Hew Dundas was there, as in previous years, coaching it in Hong Kong.

A member of the team told us that the Vis East Moot left unforgettable memories. They won two Honourable Mentions for the best memorandum on behalf of both claimant and respondent. They appreciated the support of ArbitralWomen without whom they would not have had the chance to compete in Hong Kong.

2. The team from Universitas Indonesia consisted of three women and two men. They reported that the team "was coached by their former participant seniors, as well as some notable law practitioners, one of whom was Karen Mills. The team faced serious obstacles in fulfilling their duty due to the lack of support by the campus, both financially and materially. It was extremely difficult to obtain sources to help them develop their arguments, because the faculty neither subscribes to any international law databases, nor has the essential books or journals. Furthermore, the lack of financial support also made it difficult for the team to concentrate solely on the Moot problem since it had also to find funding.

According to this year's team: "Mooting is a great place to learn for all law students before becoming real law practitioners. The Moot is one of the most prestigious Moot

*court competitions, and through it, all participants will be able to think outside the box for the arguments, for it touches both legal and business matters. We have learned so many things throughout the process; critical legal thinking, legal research and drafting, oral pleading - all of which are not taught by the lecturers in the faculty. It was a very valuable experience that we had, both in the preparation and in the oral hearings in Vienna. We are very blessed to be given this opportunity to develop and prepare ourselves for our future. ArbitralWomen's financial assistance meant the world to us, because we had no money or sponsors. The funding which covered the registration fee was therefore crucial and allowed us to participate in the competitions".*



*April 2011 at KarimSyah Law Firm, team from Universitas Indonesia with Karen Mills and coaches. Left to right: Dimas Bimo Harimahesa, Marcia Stephanie, Hanna Azkiya (coach), Karen Mills, Irene Mira, Aldilla Stephanie Suwana, Marshall Pribadi, and Simon Barrie (coach)*

3. The team from the University of Padjadjaran consisted of five women and two men, and was coached by their former participant seniors, as well as Hanna Azkiya.

*"We had a wonderful experience in the 8th Vis East Moot! We arrived in Hong Kong on Saturday 2 April 2011, registered at the City University of Hong Kong on Monday, and met the committee including Louise Barrington. On Tuesday, we started the first hearing and argued against Ambedkhar University from India. We were nervous because none of us participated before and we had no idea about the way its works.*

*Comments from the arbitrators were useful. They told us that we need to listen to the question even though we knew what the arbitrators were going to ask us. They explained that we do not need to call them "honourable", "Your honour" or any other glorious title.*

*We then argued against Jodhpur National. The chair of the tribunal hearing us interrupted us many times and asked many questions that we never imagined before.*



*April 2011, gala lunch of Padjadjaran University with American University team. Standing, left to right: Made Rintan Saraswati, Rima Andrini, Rendi Pratikto (coach), American University team member, Akhmad Kusriantono, Sheila Ardiyanti and Tashia Noviasi. Sitting, left to right: unidentified person, David Teslicko, unidentified person, and Aida Sucilla Utami. David Teslicko was the best oralist at the 8<sup>th</sup> Vis East.*

*The experience during our third hearing was different from the two previous ones. The arbitrators did not interrupt us, but asked a few questions when we finished presenting our arguments. Our last hearing was against Hanyang University and at each of the hearings we learned different things and saw that none of the tribunals practice the same way.*

*We celebrated this experience at a gala lunch on Sunday 10 April 2011 before going back home. We made new friends and met arbitrators from all around the world".*

4. Finally, the Indian team was composed of two women and two men, and one coach.

## Experiences Shared by ArbitralWomen Members

### Shifting from Student to Coach by Dalma Demeter

Dalma, an ArbitralWomen member who, with another member, coached an all-female team from Hungary, has reported that her team entered the elimination round of 64 teams left out of 228 teams during the competitions in 2008-2009. This team was the first team from the Central Europe Universities to reach this level. Although the team was from a university located in Budapest, Hungary, it was truly international with participants from Kyrgyzstan, Azerbaijan and Belarus, while Dalma is from Romania of Hungarian nationality and her co-coach Leonila Guglya is from Ukraine.

The success of the team was aided by its participation in the pre-moot organized by the International Chamber of Commerce in Paris, designed to give Moot participants the opportunity to test their skills in front of experienced professionals, and experience first-hand the rigors of the competition. *“The practice proved to be very efficient because, after the first fright, the team members improved a lot and were able to achieve quite a good result for such young students, all aged between 22 and 25 years, having no practical experience,”* said Dalma.

This year, Dalma shared her views about arbitrating at the Vis Moot.

Shifting from student to coach and then to arbitrator is a metamorphosis that many ‘Mooties’ dream of, and quite a few achieve. But stepping out from one shoe (i.e. that of a student or coach) and into the other (i.e. that of the arbitrator) is not necessarily easy. Recent participants may find it difficult to escape from the student perspective, while coaches often cannot resist the temptation to fire questions just to see how well prepared the students are. On the other hand, experienced professionals may sometimes forget that – in spite of all the efforts to make Vis Moot a perfect imitation of real-life arbitration – at the end of the day, it is still a student competition with all the associated particularities and limitations. It is, of course, up to each student and arbitrator to decide whether this mixture of perspectives is one of the deficiencies or one of the biggest advantages of the Moot. I personally dare to assume that in spite of its imperfections, the Vis Moot is the best exercise a student can get in preparing for real practice.

While it is easy to understand why the Vis Moot is such a great experience to students, one must inevitably wonder what makes it so attractive to arbitrators, who consistently invest considerable time and money in participating year after year. If it was only to contribute to the education of a new generation, then the vast majority of arbitrators would be academics.

But lawyers (who often charge hourly fees in their everyday practice) also perform this *pro bono* work with amazing enthusiasm. Could the reason be the cocktail parties organized around the competition where useful contacts can be made? Or could it be perhaps that arbitrators simply love what they do and cannot resist the temptation of ‘working’ without the pressure of a real case? The reality is probably different for all of us – somewhere in between, combining the fun of a hypothetical case, the rewarding feeling attached to teaching, the professional benefit of extensive networking, and the excitement of an international competition.

In any case, this mixture of reasons seems to act like an exceptionally good cocktail, creating some kind of addiction that makes us all return and arbitrate year after year – and feel extremely good about it.

Whatever the motivation may be for each of us individually, arbitrating at the Moot is an experience just as unique and valuable as competing is for students. Whether in Hong Kong or Vienna, the feeling of belongingness to this huge international family goes beyond professional satisfactions and brings considerable contribution to our personal growth. It is also pleasing to see the constantly increasing number of female arbitrators at the Moot, making our presence stronger in the real world of arbitration as well. Not too long ago, the arbitration community was white, male, and English-speaking, but this is changing and the Vis Moot is contributing to this change.

### **Memoirs of a “Mootie” – The Student’s Experience by Edgar Martinez Herrasti and Asoid Garcia-Marquez**

The student’s experience as a “Mootie” comes in a package that includes hard work, making friends from all around the globe, excellent legal training, meeting experienced practitioners, and changing your perspective of the “international lawyer”. It can also be life-changing.

In April 2004, we participated in the 11<sup>th</sup> Vis Moot (Vienna) as students representing Universidad Panamericana (Mexico). Gladly, our professors, classmates and some law firms supported us intellectually, financially, and even with conference rooms to prepare for the oral pleadings. It all started with rigorous research and drafting of the written submissions, followed by intensive preparation for the oral rounds – in a foreign language!

When the Vienna week approached, all our hard work started to make sense. Pre-moots had given us a hint of the level of the competition. Arriving in Vienna, we leaped into a magical week where we felt the energy of a year’s work from students all over the world. We met lots of people from different backgrounds and cultures, and we also partied as hard as we had studied. Among the most important things that we learned were that not only does a good and successful arbitration lawyer master the technical skills of arbitration, he or she is also able to interact with many cultures, ways of thinking and languages. The Moot is a complete experience and an excellent practice from all these angles.

The Moot was also a turning point in our lives, personally and professionally. During that Moot (2004), Asoid met another “Mootie”, Joel, to whom she is now married. Asoid was part of the organization committee of the 2005 Vis East Moot in Hong Kong. People still remember her as the “One-Woman Mexican Flying Emergency Squad”, as she used to jump in whenever an arbitrator failed to show up at one of the sessions. She is now practicing arbitration in Paris. Edgar made everlasting friendships and was offered the opportunity to study an LL.M. in arbitration in Stockholm and pursue a one-year internship in Paris. He is now practicing arbitration in Mexico City. To share our “Mootie” experience, both of us are now involved in coaching future “Mooties”.

If you have the opportunity to join the team of your University, do not hesitate to participate in the Moot, either in Vienna or Hong Kong. The “Mootie’s” experience cannot be acquired from others, you have to live it!

### Memoirs of a “Mootie” by Agathe Girard

I had the chance to participate in the Vienna Vis Moot as a student in 2010 and to enjoy “the full ‘Mootie’ experience”, which included early and late pleadings, lots of training rounds, and, of course, parties. The week spent in Vienna will remain one of my most memorable experiences for several reasons, mainly interacting with students from all around the world and sharing common passions – namely the CISG and international commercial arbitration. The Vis allowed me to make friends with people from all around the world, with whom I have managed to keep in touch. The Vis also changed our lives. When we left Vienna, we noticed that we had matured!

The Vis also offered an opportunity to meet important people from the international legal community and benefit from their advice and opinions, which are not limited to the Moot problem. These practitioners helped us to get a glimpse of how our future professional lives may be, if we decide to work in this field.

The preparation for the Moot helped create a strong relationship with my teammates and coaches with whom I constantly interacted from mid-November, when we started studying the problem and drafting the memoranda, until the end of the Moot in April. It was not easy every day as we had heated debates over the potential arguments. This experience helps to build a strong personality, enhance self-confidence, and learn how to persuade others – starting with the members of the team. The difference in age among the team members taught us lessons from one another.

To conclude, the Vis is an experience every student wishing to specialize in international trade law and arbitration should live.

### Networking at the Moot by Flore Poloni

With its friendly, though competitive atmosphere, the Moot provides “Mooties” an ideal opportunity to network. Both men and women represented their universities. It was, though, striking to note that several teams were exclusively composed of women. Therefore, and unlike usual professional cocktails, the Moot provides a unique opportunity to meet women leaders of tomorrow practicing law, as well as well-known women arbitrators and lawyers.

The networking opportunity is fabulous because the Moot creates a melting pot between different legal systems and cultures in an atmosphere that is extremely favorable to meeting new people. Indeed, even though teams are competing, hearings are conducted in a very friendly way and students and arbitrators often meet after the pleadings to debrief the case.

Cocktails and parties also enable the Mooties to bond in a more relaxed environment. Contacts are facilitated by the fact that Mooties are engaged in the same adventure: students worked for over six months on the case and went through the same stages of the competition; coaches managed their teams and arbitrators prepared the conduct of the hearings; everyone is happy at the final stage of the competitions to exchange their respective experiences.

As Claire Moleon, a member of the Paris School of Political Sciences team (known as “Science Po”), describes it: *“The arbitral tribunal who conducted the hearing during which I pleaded was composed of two women. I took my chances and talked to them after the oral arguments. One was a counsel at a very prestigious American law firm; our conversation will probably lead to an internship with them.”*

It is, therefore, worth getting involved with the Moot. You will hardly find a place where you can meet as many women involved in arbitration, especially students, professors, and lawyers. It would be encouraging to see even more women arbitrators participating.

### Cowboy Boots & Suits: Coaching the University of Houston Team by Lucy Greenwood

Together with Jim Lawrence and Ben Sheppard, Ann Ryan Robertson has coached the University of Houston Vis team for nine years and, in that time, to the credit of both the team members and the coaches, the team has only failed to reach the final rounds on three occasions. Two years ago, Ann roped me in to help coach the team and it has proved to be a thoroughly rewarding experience.

Having relocated to Houston from London, some years previously, I knew that coaching a Texan team would inevitably throw up interesting challenges of its own. As George Bush memorably said, “some folks look at me and see a certain swagger, which in Texas is called walking,” so we have had to tone down some elements of our Texan team to moderate the jury theatrics, whilst maintaining their passionate belief in the justness of their case (whichever side they happen to be arguing). So, we kept our Houstonians’ swagger, but melded it into a more international style – Texan with an English twist: cowboy boots and suits.

While Ann and Jim pilot the team through the choppy waters of the Vis East Moot, I am left in Houston glued to my blackberry for news of how they get on. This year, our Texans narrowly missed a place in the final 16; last year they made it to the semi-finals only to lose to the ultimate winners.

Ann and I are already plotting our strategy for next year; mine is simply to act as the most cantankerous, objectionable, feisty, and grumpy arbitrator I can possibly be. (Not that any of the 'real' arbitrators at the Vis are at all cantankerous, I hasten to add. I just like it). Ann's strategy? Well, that would be telling ...

**Ana Carolina Beneti**, a member from Brazil, communicated that she has been participating as an arbitrator in the pre-moots held in Brazil. She said she is surprised by the number of women in the Brazilian teams. She has heard three teams, which were composed mainly of women, from the Universidade Federal do Paraná, the Unicuritiba, and the PUC/SP, Pontifícia Universidade Católica de São Paulo.

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### Experience Shared by ArbitralWomen Friends: the MACI Team and the Vis Moot

Several teams who competed at the Moot were entirely composed of women. The team from Versailles University Masters in Arbitration and International Commercial Law (also called MACI), an all-woman team, shared their impressions with ArbitralWomen.



*April 2011 in Paris, team from MACI University of Versailles. Left to right: Constance Sauv , S r na Salem, C line Lachmann (coach), Peter Rosher (coach), Chlo  Vialard, Amina Khoungui*

The Moot held in Vienna from 15 to 21 April 2011 gathered universities from all around the world. All teams worked on the same problem for more than six months before meeting in Vienna for the pleadings.

After four days of intense oral arguments, 64 teams were selected for the final rounds. The oralists of the MACI team were very proud to achieve this stage of the competition. The four students who pleaded were duly trained by two coaches. They competed against Pace University New York, Miami University, BPP London, and the National Law University Jodhpur. Chlo  Vialard was awarded the Martin Domke Honourable Mention for the best oralist in the general rounds.

As the Vis Moot is a unique personal and cultural experience, the entire MACI team travelled to Vienna to support the members

of the team who were going to plead. The 2011 MACI team looks forward to coaching next year's team!

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### Souvenirs from the Moot...



*April 2009: arbitrators waiting for the bus outside the Juridicum in Vienna to go to the traditional Austrian dinner at the Heurigen*



*April 2009, arbitrators in Hong Kong enjoying a traditional Peking banquet in a Wanchai restaurant. Left to centre: Haig Oghigian, Janet Walker, Marc Goldstein, David Huebner, (unidentified person), Jeff Waincymer, Danny Mckinnon, Louise Barrington, Ann Ryan Robertson and Andrew Aglionby*



*7 April 2011 at the cocktail preceding the pre-moot in Paris at the ICC. Left to right: Martin Hunter (professor and coach), Abigail Webb, Aya Matar, Rozemarijn Vermooij, Ziva Filipic, Patrycja Bieniek, Taylor Bartlett. The King's College London team is almost entirely composed of women and also had a woman coach, Ekaterina Finkel*



April 2006: ArbitralWomen meeting at the Dachgeschoss of the Juridicum in Vienna



April 2009, ArbitralWomen members at the residence of the British Ambassador in Vienna. Left to right: Carole Malinvaud and Louise Barrington standing behind, Margaret Moses, unidentified non-member, Diana Droulers, Patricia Shaughnessy, Rabab Yasseen, Mirèze Philippe, Maria Theresa Trofaier, Janet Walker and unidentified non-member



8 April 2011 at the pre-moot in Paris at the ICC. Left to right: Christina Blomkvist and Rachel Thorn, ArbitralWomen members, arbitrating with Sigvard Jarvin

[www.arbitralwomen.org](http://www.arbitralwomen.org)

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Louise Barrington, Lorraine Brennan, Asoid Garcia-Marquez, Debora Miller Slate, Mirèze Philippe

#### Newsletter

ArbitralWomen Newsletter is a bi-annual publication presenting information about international dispute resolution and women practitioners in this field.

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