

fox williams

Good sense in the City

6th Fox Williams Vis Pre-Moot
(in association with Chartered Institute of Arbitrators)
27 and 28 February 2021



CI Arb
evolving to resolve

Dear Arbitrator

We are delighted that you have kindly accepted our invitation to participate in the 6th Fox Williams Vis Pre-Moot 2021 hosted in association with the Chartered Institute of Arbitrators (“**CI Arb**”). We are grateful for your support and know that the teams will be equally grateful for your presence as they prepare for the Vis Moot in March 2021.

In this briefing note, we set out some preliminary information about the Pre-Moot which will take place on **Saturday 27 February** and **Sunday 28 February 2021**. The general rounds will take place on Saturday while the final two rounds will take place on Sunday.

VIRTUAL MOOT

As expected, due to the exceptional circumstances caused by the Covid-19 pandemic, the 6th Fox Williams Vis Pre-Moot will be held remotely. The oral hearings will be held in form of virtual hearings by use of a videoconferencing platform.

The platform being used for the remote hearings will be provided by the International Dispute Resolution Centre (the “**IDRC**”) which has also been chosen as a platform provider for the Vis Moot in Vienna.

The technology used for the remote hearings is hosted on Zoom which we anticipate will be already familiar to most participants. We set out below a few instructions on the use of the platform and rules on the conduct of the virtual hearing. We will also have a briefing session which will provide you with supplemental instructions and give you the chance to ask questions.

ZOOM PLATFORM

Prerequisite

We recommend using a desktop or laptop device. As back-up, you can also join with a tablet.

System requirements will vary depending on the device you use and its operating system.

Details can be found here: <https://support.zoom.us/hc/en-us/articles/201362023-System-requirements-for-Windows-macOS-and-Linux>.

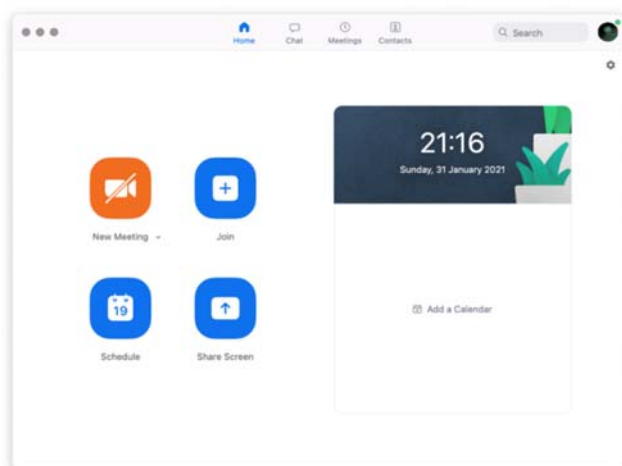
Other recommended equipment:

- HD webcam
- High quality microphone
- Keyboard and mouse

Account

If you don't have an account with Zoom, please sign up at <https://zoom.us/signup> and ensure you download the Zoom Client for Meetings (found here <https://zoom.us/download>)

Please ensure you are logged in on the Zoom App prior to the event (it will look like the following image below):



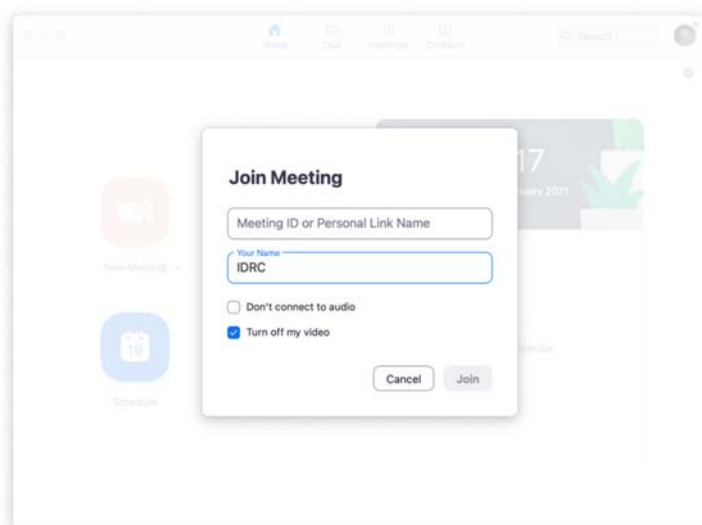
Please make sure you are using the latest version of the Zoom platform. To join the hearing, the version should be at least 5.3.0.

You can check for updates by clicking on your image on the top right-hand corner of the Zoom App and choosing “Check for Updates”.

Once you have completed all of the above steps, you can click on the link in your outlook calendar invite (which you will have received a few days before the Premoot) to join the session.

If the above steps have not been performed, you will not be allowed to join the meeting.

Once you have completed all of the above, enter the [Meeting ID and Passcode to join the session or simply click the link in your calendar invite]. You must log in with your full name.



Please ensure that you are accessing Zoom from the email account which we have emailed this briefing sheet to. If you access Zoom from a different email address, the pre-allocation of rooms may not function.

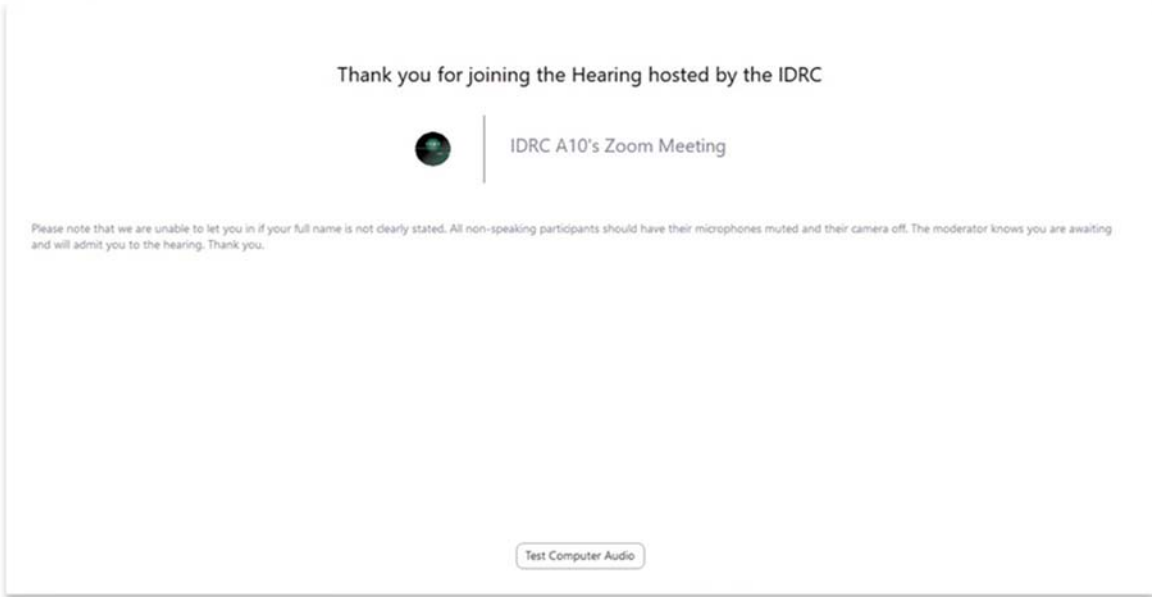
Invitations for the Day

If you are sitting on Saturday, we will send you four links:

- 1) link for the briefing session (this will be before your first hearing of the day);
- 2) link to your first hearing;
- 3) link to your second hearing; and
- 4) link for closing remarks/the announcement of the winner on Saturday afternoon (unlike the other three sessions, this is optional for you to attend).

If you are sitting on Sunday, we will send you one link only.

When you click on the link for your first hearing, you will initially join a waiting room (see image below) and the Moderator will admit you as soon as possible.

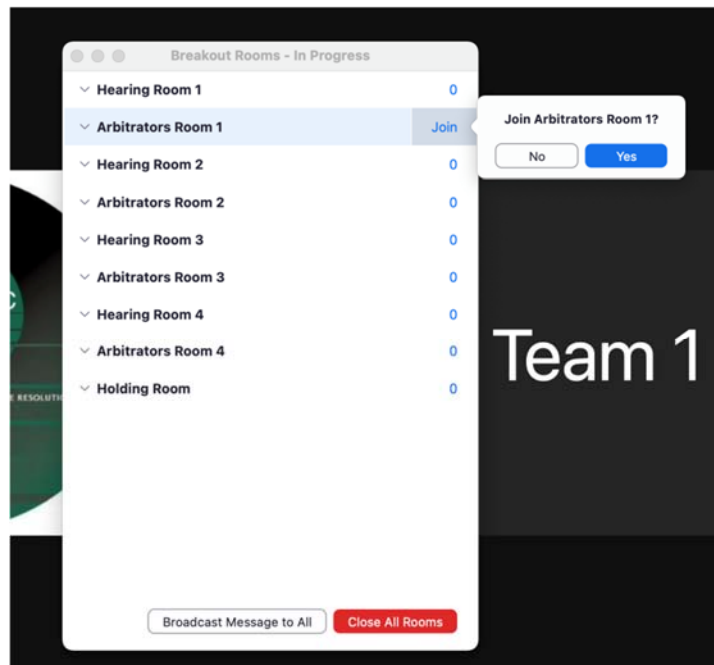


Once admitted, you will enter the meeting room/assembly room where 3 different hearings will assemble. The Moderators will name themselves so you know who to address if help is required. They will remain in the assembly room unless assistance is needed in a particular hearing room.

Hearing Rooms (Breakout room)

You will be pre-assigned to a “breakout room” for the hearing you will be joining (i.e. you will not be able to join another hearing that you are not assigned to). This will be your hearing room. The hearing rooms will display the name of the teams so that you can confirm that you are in the correct room. A breakout room is isolated in terms of audio and video from the assembly session.

You can click “Join” next to the respective room. We will be checking to ensure you are in the correct room.

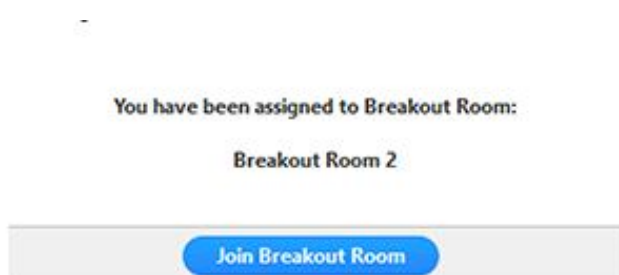


Please note that as an arbitrator you will hold your deliberations in an “arbitrators’ room” which is where you will be convening with the rest of the panel of arbitrators to decide the feedback for each of the oralists. The moderator will assist in transferring you in and out of that room – they will be in the main assembly room, or you can send them a message in the chat function when the hearing has finished. The students will remain in the hearing room and will not be able to join or hear you.

Feedback to the Students

As mentioned above, at the end of the moot, you should leave the hearing room to come back to the main assembly room, and the moderator will move you and your panel to the arbitrators’ room to confer on the advocates / oralists and prepare short feedback.

Once deliberations have finished, to get back to your hearing room, you will leave the arbitrators’ room you have been put in to confer, and once in the main assembly room again, the moderator will re-join you to your hearing room where the students will be waiting for their feedback.



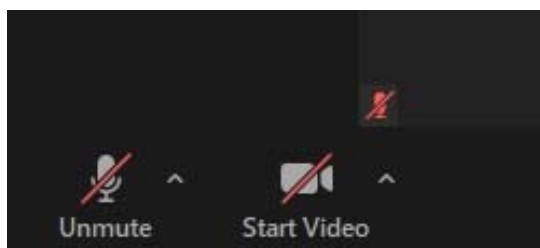
When moving between rooms you will receive a prompt you to join it as shown below. Please press ‘join’ when prompted.

If you are sitting on the Saturday, you will also score each oralist. The Chairperson should collect all scores and communicate them to the ‘moderator’. Co-arbitrators, please do not forget to give the scores for each oralist to the Chairperson. More information can be found in the “Rounds” section below.

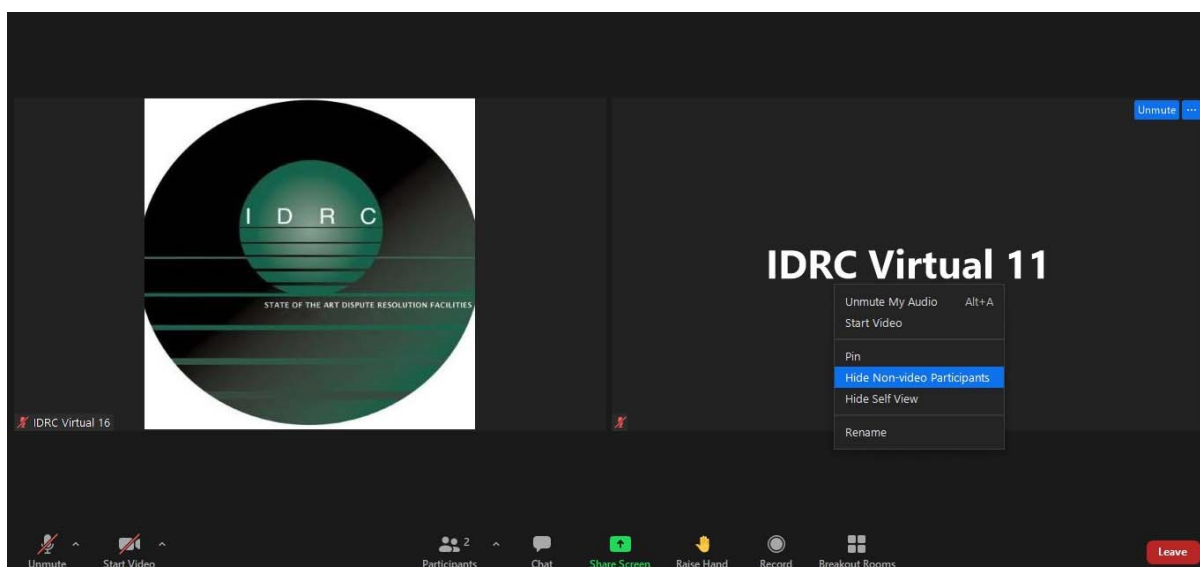
General

It is essential that you have reliable Wi-Fi access throughout the day. If you do experience Wi-Fi issues and lose connection, please try to log back into the Zoom platform as soon as possible. We will be able to help you get back into your hearing room. Our contact details are at the end of this sheet, so you can email or call us if you are having issues.

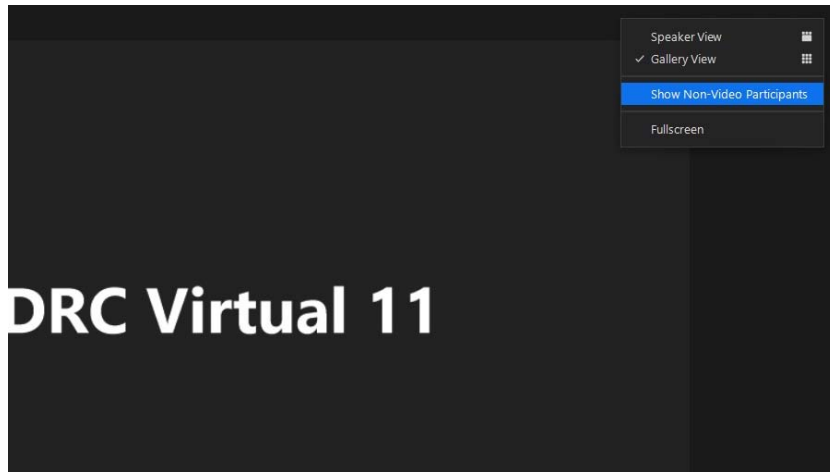
Please keep your camera turned on at all times. This will allow students to get a more realistic and personal experience. We will be asking those not competing in that moot to turn off their camera and mute their microphone.



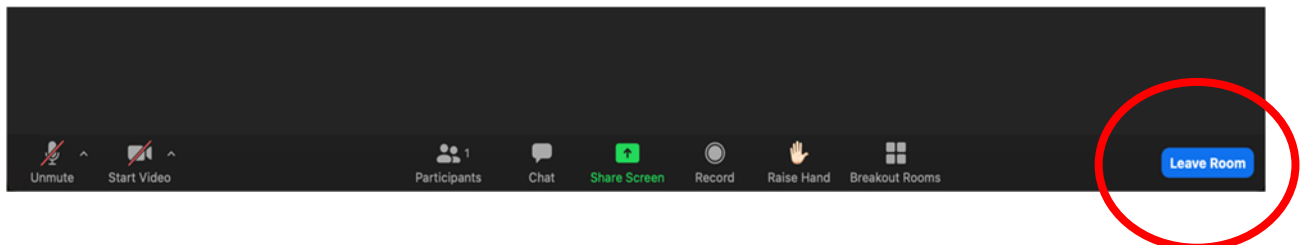
You may also hide non-video participants by in order to focus on active speakers only by right-clicking on any black box or non-video participant.



To reverse the process, you can click on the “View” button on the top-right corner and select “Show Non-Video Participants”.



Once you have provided your feedback to the student and you no longer need to stay in the meeting, you can disconnect from the meeting entirely by clicking on “Leave Room” at the bottom right corner of the screen.



You will have a separate link for each moot you are allocated to sit on (unless you are sitting on the Sunday).

SCHEDULE

Saturday 27 February 2021

9.40 – 9.55	Briefing for arbitrators by Peter Ashford of Fox Williams LLP
10:00 -11.30	1st round
11:30 -12:00	Break
12:00 -13:30	2nd round
13.30 - 14.00	Break
13.40 - 13.55	Briefing for arbitrators by Peter Ashford of Fox Williams LLP
14.00 - 15:30	3rd round
15.30 - 16.00	Break
16:00 - 17:30	4th round
17.30 - 18.30	Announcement of teams going to finals, closing remarks and virtual drinks reception

Sunday 28 February 2021 (finals)

09.40 – 09.55	Briefing for arbitrators by Peter Ashford of Fox Williams LLP
10.00 – 11.30	1st round
11.30 – 12.00	Break
12.00 – 13.30	2nd round (final round)
13.45 - 14:00	Announcement of Winners

Arbitrators are requested to log on in time for the briefing in advance of their allocated moot(s) in order to ensure that each round commences and concludes in line with the allocated time.

SLOT ALLOCATIONS

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

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

THE VIRTUAL DRINKS RECEPTION

After the conclusion of the competition on Saturday 27 February, all participants and arbitrators are invited to stay (or re-join) for the announcement of the successful teams and a virtual drinks reception from 17.30. We are likely to randomly allocate you to breakout rooms to network with other arbitrators and teams, and then announce the results when the scores from the final round have been collated.

PHOTOGRAPHY

We might want to take a picture of the event which may later be used in write-ups and social media posts published on platforms such as LinkedIn. Due to the Pre-Moot taking place virtually, this will be a screenshot of the participants on the Zoom platform. Please advise us if this causes any concerns.

THE ROUNDS

We set out below a few points for your guidance:

Timing of the rounds:

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

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

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

The Tribunal's role during each round:

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

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

Feedback from the Tribunal:

Upon completion of the oral arguments and any questioning, the Tribunal is asked to confer. The arbitrators will join a separate breakout room where they will be able to talk to each other without the presence of the students. We suggest you take no longer than 10/15 minutes. Please note that the Chairperson will collect the scores for each oralist from each arbitrator and they will be provided with a table to complete ahead of time (see further below).

The arbitrators will then be put back into their hearing room by the 'moderator' to give each participating oralist feedback on his or her performance. We request that the Tribunal deliver its feedback in a polite and constructive manner.

Oralists must not be told their score as part of that feedback.

The role of the Chairperson:

The Chairperson on Saturday is responsible for collecting the scores from each arbitrator and returning them via email to Fox Williams at pre moot@foxwilliams.com. Please ensure this is done straight after the feedback session to the students.

The Chairperson on Saturday will receive an email for each round they will judge containing a table which will need to be populated with the scores received. Once completed it should be returned by 'reply to all'.

Scoring to determine the finalists:

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

The four best teams from Saturday will proceed to the final rounds on Sunday. There will also be an award for the top-scoring individual oralist from the qualifying rounds on Saturday 27 February 2021.

Addressing the Issues:

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

DRESS CODE

The Vis Moot is meant to provide the competing students with a real arbitration hearing experience. Although the Pre-Moot will be held remotely, we kindly request that the arbitrators and the teams attend in business attire for the competition. We are aware that dress-codes for webinars etc have become more casual in lockdown / remote working but business attire is out of respect to the participants.

THE MOOT PROBLEM

A copy of the Moot Problem is included in the pack we prepared for you, and it can be downloaded from the Vis Moot website: https://vismoot.pace.edu/media/site/28th-vis-moot/the-problem/28th%20Vis%20Moot_PO2.pdf.

Further included in your pack is the official brief for arbitrators, which summarises the legal problems raised and the issues the students can take into account to present their case and extracts from the Swiss Rules of International Arbitration and the CISG.

PARTICIPATING TEAMS




The following teams are presently confirmed to participate in the Pre-Moot:

Common law teams	Civil law teams
<ol style="list-style-type: none">1. New York Law School (USA)2. NLIU Bhopal (India)3. National Law University Delhi (India)4. International Islamic University Malaysia (Malaysia)5. Cardozo Law School (USA)6. Queen Mary University of London (UK)7. University of Cambridge (UK)8. Middle Temple (UK)9. Gray's Inn (UK)10. UCL (UK)11. University of Auckland (New Zealand)12. University College Dublin (Republic of Ireland)	<ol style="list-style-type: none">1. University of Ljubljana (Slovenia)2. University Cologne (Germany)3. University of Berne (Switzerland)4. Erasmus University of Rotterdam (Netherlands)5. Moscow State Institute of International Relations (Russia)6. University of Bologna (Italy)7. Pontifícia Universidade Católica (Brazil)8. Aix Marseille University (France)9. NOVA School of Law (Portugal)10. Lomonosov Moscow State University (Russia)11. Higher School of Economics (Russia)12. Jagiellonian University (Poland)

QUESTIONS

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

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

<p>Peter Ashford</p> <p>Partner and Co-Head of International Arbitration Group, Fox Williams LLP</p> <p>+44(0)7725 670831</p>	 A professional headshot of Peter Ashford, a middle-aged man with glasses, wearing a dark suit, white shirt, and patterned tie.
<p>Kate Felmingham</p> <p>Senior Associate Fox Williams LLP</p> <p>+44(0)7912 273790</p>	 A professional headshot of Kate Felmingham, a woman with long dark hair, wearing a dark blazer over a blue top.
<p>Karin Troiani</p> <p>Trainee Solicitor Fox Williams LLP</p> <p>+44(0)7751 400756</p>	 A professional headshot of Karin Troiani, a young woman with long brown hair, wearing a light-colored blazer over a dark top.

ANNEX A - SCORING

FOX WILLIAMS' WILLEM C. VIS PRE-MOOT

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

50-59 = needed improvement.

60-74 = good.

75-90 = very good; and

91-100 = excellent

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

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

scores given. Instead, the arbitrators will be listed as Arbitrator 1, Arbitrator 2 and Arbitrator 3.

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

Organisation and Preparation

- Does counsel introduce himself or herself and co-counsel, state whom he or she is representing, introduce the issues and relevant facts clearly, have a strong opening, present the arguments in an effective sequence, and present a persuasive and generalised conclusion?
- Is counsel clearly prepared and familiar with the authorities on which his or her arguments rely?
- If rebuttal is used, is it used effectively?

Knowledge of the facts and the law

- Does counsel know the facts and the relevant law thoroughly?
- Is counsel able to relate the facts to the law so as to make a strong case for his or her client?

Presentation

- Is counsel's presentation appropriately paced, free of mannerisms and loud enough?
- Does counsel use inflection to avoid monotone delivery, make eye contact with the arbitrators and balance due deference with a forceful and professional argument?
- Is counsel poised and tactful under pressure?
- Most importantly, is counsel's presentation convincing and persuasive, regardless of the merits of the case?

Handling Questions

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