



President's Column

Every year, ArbitralWomen ('AW') provides financial assistance to mooting teams who meet our criteria (set out in a policy document available on the website at: www.arbitralwomen.org). The financial assistance is aimed at helping teams, comprising more than 50% women, who are otherwise unlikely to make it to the moots because of lack of funds. As I reported in my President's Column in the last edition of this newsletter, this year we were in the fortunate position of being able to award five teams attending the Vis Vienna and Vis East Mooting Competitions with financial assistance under our Mooting Award Programme. The assistance was made possible through sponsorship funds received from a number of our very generous colleagues. ArbitralWomen determined that each sponsor's donation should carry the donor's title as the Award. Thus, the results were:

- The Jane Willem Award went to the Diplomatic Academy of Vietnam;
- The Ashurst Award went to:
 - the National Law School of India; and
 - the Universitas Gadjadara (Ashurst exceeded all our expectations by donating sufficient funds to allow us to make awards to two teams);
- The King & Wood Mallesons Award went to West Bengal.

As President, I also introduced a President's Award for an all-female mooting team which also, otherwise, meets our criteria set out in the ArbitralWomen Protocol for Awarding Assistance. This year, I am very pleased that we have been able to award the President's Award to Universitas Indonesia Vis Vienna mooting Team. I want to thank all our sponsors and hope that they will be able to continue their support for this worthwhile cause. A report on the history of the Mooting Award Programme by **Mirèze Philippe** is included in this edition.

Coverage of the positive things that are taking place around the world to promote the cause for equality and opportunity for all women is an important aspect of eradicating discrimination.

Inside...

President's Column	1
The Vis Moot Training for Life	2
The Vis Moot	6
Interviews with Prominent Participants	8
AW Mooting Award Programme	20
Reports from Supported Teams	21
Contributions from Participants	24
Thoughts from Coaches	30
AW Members Thoughts on the Vis	33
Other Thoughts on the Vis	36
Pre-Moots	38
Other Major Moots	43
Conference Reports	45
ArbitralWomen Board & Activities	51

ArbitralWomen thanks all contributors for sharing their experiences and stories, and Alix Povey for her help in preparing this Newsletter.

For that reason, this edition of the Newsletter is dedicated to all the women who took part as competitors in the mooting competitions in early 2015 and also to the arbitrators, including our many male supporters. In particular, I want to thank **Louise Barrington**, the founder of Vis East (and co-founder of ArbitralWomen – a true pioneer); **Hew Dundas**, who has been contributing his time to help mooting teams for so many years; **José Ricardo Feris**, the Deputy Secretary General of ICC International Court of Arbitration (the Rules of which institution



were chosen for this year's problem and who contributed to the drafting of the problem); **Patrizia Netal**, one of the co-directors and organisers of Vis Vienna and **Ingeborg Schwenzer**, who can best be described as the goddess of CISG. **Mirèze Philippe** (another pioneer) has interviewed these significant Moot Competition contributors for this Special Edition.

From the reports submitted by the teams and arbitrators in this edition, you will see that given the chance and necessary support to demonstrate their skills women are excelling. We want that to continue and for it to seep into every aspect of life and work.

Everything ArbitralWomen does is directed at recognition and promotion of women in dispute resolution. They may be small steps but only if the effort and growth is consistent, can we ever hope to achieve any level of equality with our male counterparts. I'd like to echo what Mireze Philippe said to me recently which sums it up: *"things are changing but we cannot continue waiting that they evolve with time, we need to be proactive and provoke a cultural change."* Inaction over time leads to stagnation and worse, regression. We are looking to achieve positive progression.

Until next time, go well and go safely with your head held high, always.

Rashda Rana



Rashda Rana SC, Essex Chambers, AW President

The Vis Moot: Dispute Resolution Training and Training for Life

Momentum and on-going homage: This newsletter is dedicated to the Vis and the Vis East Mooting Competitions. It features stories, anecdotes and testimonies from mooties, coaches, arbitrators, organisers, as well as from majority women and all-women teams from around the world. ArbitralWomen wishes once again to mark the momentum of the thrilling days at the pre-moots organised around the world, but more particularly the Vis East Moot in Hong Kong and the Vis Moot in Vienna which take place annually the week before Easter.

Both issue n°3 of our newsletter and this issue delve into the history of the Moot – its creation, the dedication of some of the main actors, the experience of participants, its excitement, and its memorable moments. Stories from the moot record the memories for those who have experienced the excitement and emotions of the competition which are palpable. Sharing these memories from people who contributed to the moot once or several times in their life and with those who wish to learn about the moot - is a duty and a legacy. It also provides recognition for all those involved in the competitions, the dedication of the founders of the Vis Moot and the Vis East, the directors, the sponsors, law firms and organisations who host the practice sessions and social events, the professors, coaches, arbitrators, organisers, and to all those who support the moot by their presence or their encouragement.

Newsletter issue no. 3 paid tribute to **Eric Bergsten**, one of the three founders of the Willem C. Vis International Commercial Arbitration Moot with **Professors Al Kritzer** and **Michael Sher**, to 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. This second special edition Newsletter includes interviews with some of the main actors: **Louise Barrington**, Vis East Founder and Director, **Ingeborg Schwenzer** who has been involved in the Vis since the 1990s and the Vis East since 2005, and **Hew Dundas** who has arbitrated at Vis Vienna every year since 2006 and who has participated in all 12 Vis Easts.



The Vis co-directors, L-R: Professor Dr Stefan Kröll, LL.M., Mag. Patrizia Netal, Prof. Dr. Christopher Kee LL.B. BA.

Tribute is also paid to the hard work and continuous dedication of the Co-Directors of the Vis Moot: **Mag. Patrizia Netal, Professor Dr Christopher Kee** and **Professor Dr Stefan Kröll**. Their dedication to the moot after Eric Bergsten's devotion during two decades, is invaluable, as without them the Vis Moot would not have continued.

In a message in March 2015 to the OGEMID (Oil-Gas-Energy-Mining-Infrastructure Dispute Management) list-serve, Hew Dundas communicated that VE12 closed with an immensely well-deserved standing ovation for Louise Barrington, followed by prolonged applause for her brilliant and immensely efficient support team, composed of **Alix Povey, Maricel Somerville, Farhat Jabeen, Philip Wu and Adam Philips**. The generosity of Louise towards everyone and especially students, her commitment, her efficiency, her community spirit and human approach amongst others, as well as the success of Vis East deserve such an ovation.

It is likewise important to acknowledge the contributions which were helpful to mooties during their preparation, to researchers and also for history, such as the book on "The Vis Book -A Participant's Guide to the Willem C. Vis International Commercial Arbitration Moot" published by an ArbitralWomen member in 2008, **Janet Walker**. All contributions may be downloaded from www.vismoot.org under "About the Moot – Perspectives?"

The mooties and all those who participate in the moots in any role, are grateful to those who founded the competitions, and to those whose year round efforts allow thousands of participants to join this wonderful adventure. For many, the moot is a life-changing experience.

ArbitralWomen support: ArbitralWomen started a Mooting Award Programme in 2009. It sponsors teams from developing economies which may have no or limited funds, or no coaches and access to libraries.

To be eligible, at least half of the members of a team must be women. The objective is to raise the profile of women internationally by allowing women to participate in competitions and to support teams who would not otherwise be able to participate. For the first time this year, external sponsors have supported this Programme, permitting us to expand the Mooting Award Programme. A short celebration was organised between hearing sessions in Hong Kong to allow the teams who were successful in being granted ArbitralWomen Awards as well as for ArbitralWomen to express their gratitude to the lawyers and firms for their generosity. In addition to this Programme, a substantial number of ArbitralWomen members have been participating as moot evaluators, coaches and arbitrators. The involvement of ArbitralWomen is a continuing commitment to the moot.

Women at the Moot: many people have commented on the increase in the number of all-women and majority women teams and the number of women arbitrators. This increase started several years ago but all-women teams are increasing in frequency, particularly those from countries not previously involved in the Moots, such as Afghanistan (all-women) and Cambodia (mixed). Until recently, teams from the Middle East were rare and often the teams were not as well prepared as others. The Vis Middle East Pre-Moot Programme has been training teams from the Middle East in Jordan and hearing them in pre-moot practice before going to Vienna. Colleagues who arbitrated such sessions were amazed by the level of preparation, efficiency and advocacy skills; one of the many examples is the all-women Saudi Arabian team.

Some ArbitralWomen members have reported that they arbitrated two all-women teams (for example Panama v the College of Law London, Australia v New South Wales) with an all-women tribunal. Although this is still a rare occurrence in real life arbitrations, it is encouraging for the future.



The participation of women on numerous teams is of particular significance for ArbitralWomen. First, one of our main objectives is to raise awareness about the presence and the role of women in international dispute resolution. Second, it would be a pity if so many talented women were not given the chance to take centre stage – rather than linger in the wings – and to be offered equal chances as their male colleagues for equal qualifications. The training of women from younger generations is essential and will contribute to filling the gap of dispute resolution practitioners in many countries.

Many practitioners, women and men, have made attending the moot one of their priorities, like **Ania Farren**. Ania was expecting her baby when she participated as arbitrator in the 2014 ICC Pre-Moot in Paris; this year she participated with her baby, Cosette, who was the youngest ArbitralWomen member and mootie. “Women can have it all!” according to Ania. “There is no reason to miss the moot”. Cosette began her Vis career studying the 2012 Rules before having a nap!



Ania Farren, Special Counsel in the International Arbitration group at K&L Gates, AW member, and her daughter Cosette.
Women can have it all!

Mooters and Mooties: ArbitralWomen received many personal anecdotes and insights, success stories and unique and practical experiences, as well as expressions of gratitude to those who made their participation possible. We hope readers will get a sense of the emotions and excitement, and that the stories will be inspirational for future generations.

Irrespective of the stage the teams reach in the competitions, students are conscious of what they have achieved during the preparation of the memoranda and the oral practice. They can be proud that they learned to work closely with their team-mates. They learned oral pleadings and practiced either in person or online through the programme put in place by **Professor Vikki Rogers** also featured in this newsletter.

Some students were undergraduates and should be congratulated for their courage to compete; they did well and are likely to rise to first places in the next year or years to come. This is also thanks to their professors and coaches. Teams who prepared without any coaching must be applauded. Older generations did not have these opportunities, and even less the privilege of pleading before reputed practitioners at such a young age. Today, with the trend of the competitions and the level reached year after year, students are becoming more and more capable of pleading and of being ready to jump into the professional arena.

This life training and life time experience is a feeling all mooters and mooties cherish. Once a mootie or a moot participant in any role, you become part of the moot family. Mooties return to become coaches or arbitrators to re-live the moot experience from a different role. Those who have experienced a moot are reluctant to miss the annual rendezvous. The pre-moots organised in several countries around the world allow those who wish to remain involved to join any of these pre-moots if they cannot travel to Hong Kong or Vienna.

Numbers: in 1993, the first year of the Vis Moot (Vienna), eleven universities from nine countries participated. Ten years later the number rose to 135 teams. The Vis East (Hong Kong) was started in 2003-4 with fourteen universities from seven countries. At Vis 22 this year, 298 teams registered from 65 countries, and Vis East 12 this year welcomed 107 teams from 29 countries. Over 1,200 people – student participants, coaches, arbitrators, administrators and others – were involved in Hong Kong and nearly 3,000 in Vienna. Further information on the number of the teams and their origin may be found on <http://www.cisg.law.pace.edu/cisg/moot/mootlist.html> under ‘Participants’. It is also noteworthy to indicate that over half of the students this year were women.



ICC and the Moot: the 2014/15 Problem was based on an arbitration under the 2012 ICC Rules of Arbitration including issues related to Emergency Arbitrator proceedings, which was the first in the Vis Moot history. In an interview given to ArbitralWomen, the Deputy Secretary General of the ICC International Court of Arbitration, **José Ricardo Feris**, provides insights about the choice of the Rules and the problem, and his experience mainly during this year's moot and the evolution he has seen.



L-R: Viktor von Essen, Alexander Fessas, José Feris, in front Alina Leoveanu and Mirèze Philippe

The first time the ICC Rules were used was for the 1996/1997 Moot applying the 1988 version of the Rules. The second time was for the 2000/2001 Moot using the 1998 version of the Rules; Anne-Marie Whitesell, Secretary General at that time, asked me to participate in the preparation of the documents for the Problem. The 2014/2015 Moot referred to the ICC Rules for the third time, applying the 2012 Rules and focusing on the provisions for emergency arbitrator and joinder.

This year, the President of the ICC Court, **John Beechey** chaired the Final panel in Vienna, and the Deputy Secretary General, **José Ricardo Feris** sat on the Hong Kong Final panel. In the past, the late **Robert Briner** arbitrated the final round in Vienna. The current Secretary General of the Court, **Andrea Carlevaris** and predecessors **Anne-Marie Whitesell** and **Jason Fry** arbitrated many sessions. This year, in addition to the several sessions arbitrated, **Andrea Carlevaris** and **Alexander Fessas**, the Managing Counsel, arbitrated the semi-finals in Vienna. Numerous ICC colleagues also arbitrate at pre-moots and moots around the world.

The ICC started organising pre-moots sessions as from the 2002/2003 edition of the Vis Moot, initially with six teams mainly from Australia and France. In addition to Paris, ICC pre-moots are also organised in several countries. Colleagues from the Secretariat of the ICC Court organised the hearings of the teams and contacted arbitrators to hear the arguments. To name but a few colleagues who dedicated time to this important mission over the years: **Christian Albanesi, Abhinav Bhushan, Diamana Diawara, José Ricardo Feris, Ziva Filipic, Gustav Flecke-Giammarco, Simon Greenberg, Matthias Kuscher, Laurence Marquis, Marily Paralika, Elise Picard-Lelong, Sybille de Rosny-Schwebel, Matthew Secomb, Gregory Travaini.**



L-R: Abhinav Bhushan, Ulrich Kopetzki, Mirèze Philippe, Alina Leoveanu, Diamana Diawara

The pre-moots and moots were also the occasion to gather young practitioners at ICC YAF events in several cities around the world; this was made possible mainly thanks to the dedication of **José Ricardo Feris** (Deputy Secretary General), **Alina Leoveanu** (Deputy Counsel and Head of ICC YAF Europe and Russia Chapter) and **Stéphanie Goubelle** (Manager of Arbitration & ADR promotion).

Several colleagues also dedicated substantial time to coach teams in Paris and in other countries, the first ones having been **Joachim Kuckenburg** and **Eduardo Silva-Romero**, followed by many talented counsel and deputy counsel of the Secretariat of the ICC Court.



It is amazing that thousands of people from different generations, nations, cultures and legal cultures, gather for the pre-moots and the moots in Hong Kong and Vienna, uniting for one and the same purpose: the Vis Moot. Everywhere the atmosphere is peaceful and joyful despite stress before the arguments and some disappointments after. As the success of arbitration continues to grow, developing the skills of future practitioners and learning ways to resolve disputes peacefully is useful for the business, the social and the legal communities as a whole.

Finally, the multitude of social events is an integral part of the Moot in Vienna, Hong Kong and all pre-moots venues. Practitioners from the international dispute resolution community and students meet, mooters and mooties build relationships, and the networks increase year after year.

To conclude, it is important to remember history and to pay tribute to those who created or contributed to create projects which have now become iconic institutions or very important events. This issue - together with issue n°3- is a testament to the wonderful adventure of the Moot. Hail to all those who made it possible!



Mirèze Philippe
AW Co-founder & Board Member
Special Counsel, ICC Court

The Vis Moot

Now the dust has settled following the 2015 Vis Moots, we are delighted to report that they were a huge success. The goal of the Vis Moots is to foster the study of international commercial law and arbitration for resolution of international business disputes through its application to a concrete realistic problem and to train law leaders of tomorrow in methods of alternative dispute resolution.

In both moots the quality of argument was high and the quality of the students very high, even in comparison to recent years.

Vienna

The 22nd Vis Moot in Vienna had 298 teams from 65 countries with approximately 2,000 students participating. Of the 298 teams, the largest constituents were from USA (48), Germany (24), Brazil (17), UK and France (each 15), India (12), PRC/HK (11), Australia (10) and Turkey (also 10). Illustrating the truly international nature of the Vis Moot, single team entries came from Albania, Azerbaijan, Cayman Islands, Iran, Iraq, Kyrgyzstan, Lebanon, Palestine, Uruguay and Uzbekistan.

In addition, 1,126 arbitrators (listed across 14½ pages of the Moot Programme Book, from Abdallah/Abdullah/Abghari/Adams/Adascalitai to Zorilla/Zschunke/Zuberbühler/Zucker/Zürcher) from 70 countries participated, of whom 845 actually came to Vienna (the rest acting as readers of Memoranda).

Highlighting the international nature of the Vis Moot, the last 64 comprised an astonishing 30 nationalities, led by the USA (12 teams) and Germany (11) and with representation from (in no particular order) Paraguay, Bulgaria, Israel, Uruguay, Turkey, Egypt and Indonesia. Measured by success rate, Hong Kong and Singapore were (ignoring jurisdictions with only a single team) the most successful with both teams from each jurisdiction (i.e. a 100% success rate) reaching the 64.

Similarly, the last 32 comprised 17 nationalities (including Germany (8 teams) the USA (4) and Brazil (3)). Interestingly 73% of the German teams in the 64 progressed while only 33% of the US ones did.



An AW group at the traditional British Ambassador's residence in Vienna. L-R: Laurence Berger, Irene Welsler, Louise Barrington, Rabab Yasseen, Edna Sussman, Margaret Moses, Bennar Belkaya, Sherlin Tung, Dorothee, Patricia Shaughnessy, Friederike Schäfer

Singapore maintained its 100% record and the teams from Bulgaria and Uruguay also succeeded.

The last 16 featured 11 countries, the Quarter-Finals 6 (the four teams who did not progress were Tübingen, Zürich, Indonesia and ILS Law College of Pune) and the Semi-Finalists were from 4 different countries and National Law School of India and Humboldt were eliminated.

After 660 hearings involving 1,980 arbitral appointments, the Final Panel (comprising **John Beechey** (UK; outgoing President of the ICC's International Court of Arbitration), **Professor Pilar Perales Viscasillas** (Spain; Professor of Commercial Law at the University Carlos III of Madrid and also a member of the CISG Advisory Council) and **João Bosco Lee** (Brazil; a practising lawyer, also Professor of Arbitration at Universidade Positivo and a member of the ICC International Court of Arbitration) heard a close-fought argument between Ottawa University (representing Vulcan Coltan Ltd) and Singapore Management University (representing Mediterraneo Mining SOE) in which Ottawa prevailed.

The Pieter Sanders Award for best Memorandum for Claimant was won by Humboldt (with Sydney as 1st Runner-Up and Munich as 2nd Runner-Up) and the Werner Melis Award for the best Memorandum for Respondent was won by National Law School (Jodhpur, India) (with the Award for 1st Runner-Up being shared between St Gallen and Zurich).

The Award for Best Oralist was shared by Laura Fahrner (Freiburg) and Kevin Chong Yue Hua (Singapore) with Zain Jinnah (Harvard) as 2nd Runner-Up.

Hong Kong

At the Vis East in Hong Kong, 107 teams from 29 countries participated and, in all, nearly 1,000 people (student participants, coaches, arbitrators, administrators and others) were involved. 298 people from 42 countries acted as arbitrators and readers of the Memoranda.

In view of the number of teams exceeding 100, an Elimination Round of 32 was necessary and it featured 12 nationalities. The last 16 featured 9 nationalities, the last 8 four (USA 3, India 2, Singapore 2 and Hong Kong 1) and the last 4 three.

The Final Panel (comprising **Professor Ingeborg Schwenzer** (Basel), **Sir Vivian Ramsey** (formerly Presiding Judge at the Technology & Construction Court in London) and **José Ricardo Feris** (Paris, Deputy Secretary General of the ICC Court) heard a close-fought argument between the Sandra Day O'Connor Law School at Arizona State University (representing Vulcan) and Singapore Management University ("SMU", representing MM) in which SMU prevailed in a unanimous decision. West Bengal National University of Juridical Sciences and Symbiosis Law School, Pune (i.e. both from India) were the other semi-finalists.

The Eric Bergsten Award for best Memorandum for Claimant was won by Munich with City University of Hong Kong Runner-Up and Basel 2nd Runner-Up. The Fali Nariman Award for the best Memorandum for Respondent was won by Hanover, with Munich as Runner-Up and Basel as 2nd Runner-Up.

The Neil Kaplan Award for Best Oralist was won by **Lachlan Hopwood** of Bond University (Queensland) with **Louis Thivierge** (also Bond) Runner-Up and **Yong Jeong Eoh** (Houston) 2nd Runner-Up.

As in recent years, the top four Asian teams which did not make the last 32 engaged in the 'shoot-out' for the Pan-Asian Award and the teams were from India (2), the PRC and Korea with India winning both semi-finals and with the National Law School University (India), a recipient of the ArbitralWomen Ashurst Award, prevailing over Gujarat National Law University in the final on a split decision, reinforcing the very strong performance by Indian law schools in 2015.



Finalist teams National Law School of India and Gujarat National Law University of India in the Asian competition. L-R: Fan Yang, Ritika Ajitsaria, Misha Chandna and Sapan Parekh (NLSI), as the winner and the runner up, Ingeborg Schwenzer and Louise Barrington in the centre, and Gujarat team members Ruhani Sanghavi, Swetha Vadarevu, Debarati Sengupta and Aditi Gupta on the right.

The Vis East Moot has its own special feature, the “Spirit of the Moot Award”, for the team which has overcome most obstacles (to get to Hong Kong to participate; this award is made based on nominations by the teams themselves, not by the arbitrators, and the 2015 Award went to Universitas Gadjah Mada from Indonesia (also a recipient of the ArbitralWomen Ashurst Award).

Looking ahead to next year: note that Vis East XIII will start on Sunday 6th March 2016; it will finish on Sunday 13th March. Vis XXIII in Vienna will run from 18th to 24th March 2016.

Report kindly provided courtesy of Hew Dundas, additional reporting by Lucy Greenwood, ArbitralWomen Board Member



Lucy Greenwood, Lawyer, Norton Rose Fulbright, AW Board member

Interviews with Prominent Participants in the Vis Moot

Louise Barrington



Louise Barrington, FCI Arb (Chartered 2001) Independent Arbitrator, AW Board member

Louise Barrington’s career and achievements provide inspiration for many generations, on the professional level and most importantly on the human level. Louise has provided guidance and support to numerous women during their careers. Founder of the Vis East competition, ArbitralWomen interviewed Louise to learn more about Louise and her involvement in the Vis Moot in general and the Vis East in particular.

You started in dispute resolution at the ICC as director of the ICC Institute of World Business Law. Was this position the beginning of your involvement in dispute resolution? Can you tell us about your career in this field?

I had first discovered international arbitration while doing a DEA course in the 1980s in Paris with Pierre Mayer. He was discussing the Pyramids Plateau case, very controversial at the time. I had that Eureka moment, and decided that was what I wanted to do. Of course, everybody knows that wanting it and doing it are not the same. The post with the ICC, working with the top names in the business from around the world, was a wonderful way to begin.

Your experience is different from many dispute resolution practitioners and particularly different in the diversity of actions you have undertaken, what motivated your choices?



Yes, and that difference is a two-edged sword. I came to dispute resolution as a student, then teacher and then director of the Institute. We had regular conferences on cutting edge topics with renowned practitioners (99% male of course, back then!). In 1997, as the founder of ICC Asia in Hong Kong, I became the ICC “go-to” person in Asia. At the time, many Asian parties and their lawyers were unfamiliar with the ICC and its rules and thus somewhat intimidated when the dispute resolution clause in their contract was actually implemented.

I loved working in the ICC role, but really wanted to practice arbitration, not just talk about it. As a lawyer or teacher I became free to take on arbitration work for real clients. Unlike most arbitrators, my first cases came before I’d done much work as party counsel, so many lawyers did not necessarily think of me when it came to choosing an arbitrator. They were (and sometimes still are) more likely to ask me for advice about choosing an arbitrator rather than to choose me to be the arbitrator!

What were the challenges you faced as a woman in a man’s world in international dispute resolution?

The main challenge was to be taken seriously. I would have lunch or dinner with these famous professors or lawyers and they would tell me of their experiences, and how they dealt with certain situations. They seemed to consider me a passive audience, an admirer rather than a colleague. Which in fact was to some extent true. But this was also a learning experience for me, and I filed away the knowledge for later use.

Today, as an arbitrator, no one will ever tell me, “We thought of you, but the client didn’t want a woman.” You never hear it actually expressed.

But I have heard from at least one institution, “Oh yes, we have put your name up several times; a pity the parties didn’t agree to appoint you. They went with Mr X instead”. Is it because I’m a woman? I have to suspect, given similar qualifications, that gender may have something to do with it. We’ve come a long way, but there is still a lot of ground to cover.

Two decades ago when a handful of women started to get involved in arbitration, you rose to the challenge to speak up about this difference – or shall I say the “discrimination” towards women in dispute resolution – and gathered women with whom you started the

ArbitralWomen group, despite the criticism of colleagues, men and women included. Can you briefly share with us what prompted you to start this group and the difficulties you had to face?

The group was amorphous at first. I didn’t think of it as discrimination exactly; I was just curious to know why women were invisible in those big conference rooms full of grey suits. I did a bit of research, but never planned to create an empire! We were just friends and colleagues gathering once in a while to talk about common interests and concerns. It was Mirèze, not me, who had the idea for the Yahoo! Chat Room that was the kernel of what we have today. Many women then resisted the idea, either on the basis that it was discriminatory against men, or that it would somehow tarnish their own image to appear as a “militant woman”, or even because it was unnecessary: “If I made it on my own in a man’s world, so should other women!” Of course, this last stance is probably the most harmful: it fails to recognise the nurturing that virtually all successful women have received – usually from male mentors. Many women are not in a situation to benefit from similar help.

If there are men in the room, women listen. Remove the men, and the women speak up. We knew this decades ago, but now psychologists have empirical studies to prove it. We built ArbitralWomen as a parallel universe to the Old Boys’ Club, where women would have the opportunity and the need to speak up and make their voices heard.

But men are not the enemy. The enemy is people who oppose our efforts to recognise and deal with the gender imbalance problem. Sadly, many of these people are women. On the contrary, there are many wonderful men who do see the problem, and have done things about it. That is why we created the Honourable Man Award – to recognise their efforts on our behalf. And of course, many ArbitralWomen events are open to both women and men. It depends on the objective of the particular event.



When did you start getting involved in the Vis Moot? Can you share with us your experience and why you think that participation in the moot is important?

I first got involved with the Vis Moot in around 2000, when I was invited to arbitrate in Vienna. I was so impressed by everything: the amazing learning curve of the student teams, the friendly atmosphere of all the social events, and the opportunity for me – as a relatively new arbitrator - to meet, and even sit on panels with the famous arbitrators like Martin Hunter and Pierre Karrer. I was completely seduced by the event, but at the same time noticed that there were very few Asian teams. And Professor Bergsten had expressed concern that the moot was growing too fast and becoming difficult to manage.

I suggested the idea of Vis East – to take some pressure off Vienna, and to make it easier for Asian teams to take part. We would use the same problem, time frame and rules. Professor Bergsten, somewhat dubiously, agreed to the idea. In the second year, we invited him to attend Vis East, and to arbitrate in the Final round. He saw that Vis East was maintaining the same friendly educational and non-commercial philosophy that guides Vis Vienna, and gave us his blessing.

Since then, Vis East has grown and is now roughly the size of the Vienna competition ten years ago. We would have more teams, but it is simply not practical in Hong Kong for a number of reasons, so we have had to cap Vis East. Even so, for Vis East 12 we had 107 teams and well over 1200 people involved.

Do you have difficulties finding volunteers to evaluate the memoranda and to arbitrate? How do you manage organising all the tasks required for such a significant enterprise?

That is one of the challenges of running a good competition. Generally we have lots of volunteers from among former “mooties”, but often before they have had any practical experience. Since the moot relies on the expertise of people who know what it is like to serve clients, as counsel or as arbitrators, we need experienced, pragmatic judging. Getting the right mix of experience, geography, personalities and diversity to make good tribunals is an art, but one that we’ve developed over a dozen years now, starting in Year 1 with just 14 teams. The pool has grown and matured, with new arbitrators joining each year. That is what has allowed the Vis East to develop over the years.

Growth has been evolutionary, and we learned as we went along, expanding gradually year by year. The Vis East team members – Alix, Maricel, Farhat and Philip – as well as others come in for a week or two around the orals, is experienced, professional, cohesive – and passionate about the Vis. After six Vis East events working together, they know what needs doing, and they do it with flair, with care, and with a warm welcome for everyone. They make my job easy. What more could I possibly ask?

You started a programme with ArbitralWomen to support Vis Moot teams with a majority of women, can you tell us about this programme?

Every year, teams would write to me asking that we waive their moot registration fees. The answer was invariable: No, because the Vis East depends on the revenue from team registration to operate. But knowing that ArbitralWomen wanted to promote women at all levels of dispute resolution, I suggested that perhaps they might be willing to assist. The ArbitralWomen board agreed to fund a few teams, provided that at least 50% of the members were female. This encouraged schools to seek out talented women, to make them eligible for funding. It has been a useful lever to ensure women get their fair share of the available spaces on school teams. And once involved, they do very well! This year, the ArbitralWomen board has reached out to get sponsorship from law firms and so has been able to increase the number of teams assisted. The teams still have to raise most of their funding elsewhere but often the ArbitralWomen award serves to “prime the pump” so that others are more willing to assist.

Do you keep in contact with the teams you meet, and do you offer support to any after the moot? Do the teams express their gratitude and do they keep you informed about their development?

I am always delighted to hear what former mooties are doing, and feel as proud of their accomplishment as if they were my own children. The assisted teams are expected to send us a report at the end of their participation in the Vis or Vis East, and many of these have been very touching. Those who stay in touch via the Moot Alumni Association have the chance to publish first articles, and to stay abreast of opportunities such as internships, observing at UNCITRAL, and to continue their involvement with the moots by organising events and coaching teams.



You have been involved in the Vis for fifteen years. In your opinion, how have the competitions evolved, what are the changes that you have seen?

The Vis and Vis East have grown in both popularity and prestige. Job seekers put Vis participation on their CVs, knowing that potential employers are aware of the qualities that they will have developed through participating in the moots. Professor Bergsten has always insisted that the Vis is an educational experience – in the form of a competition. I heartily endorse this philosophy, which has made the Vis the friendly and nurturing experience that everyone enjoys and values so much.

But today, the balance has shifted. A disturbing element has crept into the moot, which in some ways has become a victim of its own success. The prestige of the moot, plus the fact that law schools are reconsidering financial priorities, means that it is now more important than ever to win. Many teams now expend vast amounts of energy and money to participate in practice sessions or pre-moots. They come to Hong Kong or to Vienna already very polished and professional. We still do see improvements over the four days of the general rounds, but most of that really intense learning curve now takes place for most teams before we see them in orals week.

On the other hand, there are the “other third”: teams without financial resources or expertise, who lack the funding to attend pre-moots, and who arrive at orals week having little knowledge of what to expect. It is pretty intimidating. The students on these teams will still learn a great deal, and we hope they will make lasting friendships. But most of them have little hope of advancing through the elimination rounds, because the competition has become so keen. We have in effect, a two-tiered competition; the disparity between the “haves” and “have nots” has increased.

This is why we decided that the Vis East Moot Foundation should reach out further. Now, as well as organising the moot itself, with the Capacity Building Project we are trying to build sustainable cells of international arbitration expertise inside those countries where the need is greatest. This is important not only for the development of the next generation of legal professionals; it is also a key to the development of the rule of law in some jurisdictions.

The mooties, and others who benefit from the Vis East capacity building project, are in fact the future of international dispute resolution in their countries. They will provide an attractive alternative for foreign investors in their countries.

But that also means that western practitioners must be mindful of the different legal cultures coming to the table of global commerce. It isn't good enough to dismiss someone else's procedure with, “we just don't do that in international arbitration.” With the flexibility to accommodate different backgrounds and expectations, skilled and open-minded arbitration practitioners can create a solid and trustworthy system of commercial justice.

Ingeborg Schwenzer



Prof. Dr. Ingeborg Schwenzer, LL.M., Chair of Private Law, University of Basel, AW member

Ingeborg Schwenzer is one of the most highly-reputed specialists on the Convention on Contracts for the International Sale of Goods (CISG). She has published extensively on this subject and is cited in all Memoranda submitted by the teams participating in the Vis Moot. She has been involved in the Vis Moot at different levels for many years and is always present in Hong Kong and Vienna.

Ingeborg, you have been involved with the Vis Moot for several years and you have become one of the important actors that we see in Vienna and Hong Kong, how did your involvement start and what motivated you all these years? Can you share with us your experience and why do you think that participation to the moot is important?



In 1994 I was asked by the late Prof. Al Kritzer who – together with Prof. Eric Bergsten who was one of the initiators of the Vis Moot - to participate in the second moot with a team from Basel University. I gladly took this opportunity as I was always interested in new teaching and learning activities for our students. At that time, mooting was pretty uncommon at law schools in universities of the civil law tradition. The Vis Moot does not only offer a great practical experience for the students but it is also the cross-cultural experience that is of greatest importance.

When did you start coming to Hong Kong and Vienna?

Vienna, back in the 1990s, Hong Kong since about 2005.

Since Louise Barrington created the Vis East, you have been faithfully offering your services. How do you organise your time with the double hats you wear during the Vis?

Usually, I bring along quite a bit of work to do during the moot. Airports and flights are a great place to work without any interruption. And with the jetlag you are able to get up early in the morning and get some of the usual work done before you go arbitrating in the moot.

Do you usually coach teams before they go to Hong Kong or Vienna?

For almost 20 years I supervised a team from Basel University. Since last year a colleague of mine has been responsible for the Vis Moot team. However, our new law school of which I am the Dean – Swiss International Law School (SiLS) – offers a Moot Academy which is freely accessible for all teams that do not have their own coach. I am helping these teams online by giving feedback on the drafts of their memoranda and providing them a hearing platform where they can practice.

Do you keep in contact with the teams you coached or heard, and did you support any after the moot, either by providing them advices or by supporting them in any manner? Do the teams express their gratitude or do they keep you informed about their evolution?

I always helped them by giving them advice and recommending them for internships in international law firms and the like. All assistants at my chair at Basel University are former mooties. It is remarkable how the older mooties also support the younger ones in their professional career.

You have been involved in the Vis for 21 years. In your opinion, how have the competitions evolved, what are the changes that you have seen?

First of all, the number of teams participating is constantly growing. In the beginning it started only with a couple of teams. And it is fascinating how more and more teams from so-called transitioning or developing countries are coming. Whereas in the beginning they could not compete with teams from western countries, you see them develop from year to year and there is no longer any gap between them and those coming from more privileged parts of the world. Furthermore, participation in the Moot is becoming more and more professional. Universities that can afford it are giving more and more support to the teams. Around the world there are innumerable premoots with the leading arbitration practitioners participating. For the students participating in the moot has become an important step for an international career.

Do you have recommendations for the recent mooties and for future ones?

Stay connected with the people you met during the moot. Get as much international experience as you can. Continue your education in the field of comparative law, for example by taking the SiLS LL.M. in International Commercial Law and Dispute Resolution.

What would you like to share with the readers about the moot in general?

For most students the moot is the best and most important experience throughout their whole studies at the University. The lesson to learn from this is that we must teach law on a truly comparative basis and teach the skills and competences that are required for global lawyers.

What do you see as the future of international dispute resolution?



ADR and especially arbitration are becoming more and more important in our globalized world. Parties to an international contract just do not agree to subject themselves to the domestic courts of the other party. With the New York Convention arbitration clauses are acknowledged worldwide, a fact that does hold true for choice of court clauses. And today it is much easier to enforce an arbitral award than to enforce the decision of a domestic court in another country.

Hew Dundas



*Hew & Vân Dundas. Hew R Dundas, Chartered Arbitrator
DiplCarb CEDR-Accredited Mediator, International
Arbitrator, Mediator & Expert Determiner*

Hew Dundas has been involved in the Vis Moot at different levels for many years. In this special issue dedicated to moot competitions, ArbitralWomen pays tribute to his faithful involvement and learns more about this involvement and about his motivation.

Hew, you have been involved with the Vis Moot for several years and you have become one of the important actors that we see in Vienna and Hong Kong, how did your involvement start and what motivated you all these years? Can you share with us your experience and why do you think that participation to the moot is important?

Geoffrey Beresford Hartwell had been trying to get me into the Vis in Vienna around 2002/03 but it then had a sufficient number of arbitrators so I couldn't participate. I had known Louise for a couple of years and met her in the UK in 2003 where she told me that she was starting Vis East and would I be interested in participating to which my answer was an immediate "yes", inter alia, because of a 24-year connection with Hong Kong including my brother and his wife living and working there 1980-85.

At 09:00 on the first day, I heard two young ladies from Tsinghua University (who went on to win in the Final) and was blown out of my socks by their skills, abilities and professionalism, by no means always matched by the barristers (even QCs) I heard in real arbitrations.

Also on that first day, I saw a 2-women team from Guangzhou where their merits oralist wholly froze and, despite gentle prompting from the Panel (in English) and her colleague (in Cantonese) she could not speak and ended up running out of the room in tears. By the 4th day, she was able to deliver solid submissions with reasonable confidence. Subsequently, the same person went to the USA to study for an LLM and, at a law school with minimal (or no) moot background, she founded a team and, at the first attempt, led it to victory in one of the main/large US Moots (not Jessup). She is now a very capable solicitor.

Based on these (and other similar experiences) I concluded that moot was definitely for me, in addition because I have been an occasional teacher/tutor/lecturer since my schooldays and my (Vietnamese) wife is a former teacher of English in Việt Nam.

For the Moot Arbitrators, the Vis has three main features:

- it is an opportunity to put something back into 'the system' for the benefit of the newest generation;
- I have coached the Diplomatic Academy of Việt Nam ("DAV") team since 2009 and, given that we do not meet until arrival in Hong Kong, this presents me with the greatest challenge of my professional year in motivating, guiding and coaching them to a good standard;
- it is also an ideal environment in which to meet good friends from around the world in a way that conferences cannot.

When do you start booking for Hong Kong and for Vienna?

Every year since 2006, my first Vis in Vienna. I usually book flights and hotels for next year's moots shortly after return from this year's.

Since Louise Barrington created the Vis East, you have been faithfully offering your services not only as



arbitrator but also as coach – on the spot – to assist teams who were not coached in preparing for the hearings. How do you organise your time with the double hats you wear during the Vis?

This presents no real problem because I will not sit on a panel when my team(s) are arguing; however, in an ideal world I (and, no doubt, other coaches) would prefer not to sit in the sessions either preceding or succeeding my team's one so as to hold a pre-argument coaching session then a post-argument debrief. If I sit in the argument before my team's one, I can normally get time to spend with them but if the earlier argument runs late I might not; ditto if their argument runs late and I have to rush off to my next panel.

In Vienna this year, several panels ran close to the full two hours causing some disruption to the process.

Do you usually coach teams before they go to Hong Kong or Vienna?

I have never done so.

The DAV team is substantially self-coaching albeit with a little outside assistance and with former team members giving up their own time to come back to assist; I understand that DAV itself is not directly involved. In addition, the 2015 team sat in on the 2014 team's coaching sessions and so on annually.

There are elements in this model (which the DAV students created themselves) of high relevance to the Capacity Building Project.

Do you keep contacts with the teams you coached or heard, and did you support any after the moot, either by providing them advice or by supporting them in any manner? Do the teams express their gratitude or do they keep you informed about their evolution?

I am still in contact with almost all of the 27 DAV team members 2009-15, although a few have fallen away, and I am 'honorary grandfather' to three small children now, some of the earlier students having married. The 27 comprises 22 girls and five boys.

I offer them all a mentoring relationship which is normal in the Vietnamese system where the teacher/pupil relationship is far stronger (and far better) than in the UK; they call me "thầy Hew" where the word "thầy" conveys not only a proper respect for the teacher but also a strong element of parent/child (perhaps now

grandparent/grandchild!!) relationship. Similarly my wife's advanced English tutor was "thầy Thiết", both to her and, subsequently, to me. Respect for one's teachers is sufficiently strong that on day 1 of the New Year, one visits one's ancestors (e.g. where their ashes are stored in a Pagoda (*i.e.* temple), on day 2 one visits one's senior living relatives and on day 3 one's teacher.

In addition, I write Letters of Reference on request *e.g.* in the many instances where ex-DAV students are applying for places on LLM/MSc/PhD course outside Việt Nam.

Other than DAV, I have raised sponsorship monies in London for teams from Uzbekistan and Kenya (both for Vienna) and, without formally coaching them, have spent time with them and have arranged that other Moot Arbitrators do so too (I have always had a good response from colleagues in that regard).

Separate from sponsorship, I am always happy to talk to any team (preferably an under-resourced one) that wants a discussion and I recall one such (short!) discussion with an Indian team in the Mira lift leaving the Opening Ceremonies last year. The reason I remember it was that in Hong Kong this year the same team was kind enough (and smart enough!) to approach me to make a little speech of thanks.

In that regard, in the years he has been at Vis East, Jeff Waincymer has always made time to talk to the DAV team and his approach to coaching has been truly inspirational to me.

The dispute resolution community is grateful for your regular reports on the OGEMID listserv about the Vis East and the Vis each year. Why do you think it is important to share such information?

There are several reasons including: (i) the Vis/Vis East does not have any PR support but such publicity is necessary; (ii) the reports do generate new arbitrators because people reading them can easily see how important and how worthwhile Vis/Vis East are.

You have been involved in the Vis for 10 years and all 12 Vis East. In your opinion, how have the competitions evolved, what are the changes that you have seen?

The standard at the top end has not changed much in 12 years because there is hardly anywhere you can go from a 98% performance; by way of analogy, I have read that despite intensive breeding programmes and application



of sophisticated computer software, modern racehorses are not significantly faster than their predecessors 90+ years ago and a famous horse of the 1930s, Golden Miller (see http://en.wikipedia.org/wiki/Golden_Miller) still holds some track records.

What is far more important is the standard at the lower end and that has been rising rapidly, whether DAV or others. In Hong Kong this year I saw no really poor teams (albeit I saw two in Vienna) and, typically, in Hong Kong last year DAV put up a very commendable performance against no less than City U.

Postscript: I believe I may now be the only arbitrator who has done all 12 Vis Easts.

Do you have recommendations for the recent mooties and for future ones?

Not all the moot teams engage in the social aspects of Vienna or Hong Kong, a main reason being that the social programme is (understandably) dominated by bars and alcohol and (for example) most Vietnamese girls will not visit a bar and, in fact, few boys will either. Typically, in Saigon last year I gave a lecture to the local Bar Association and they very kindly took me, my wife and my 21 y/o nephew out afterwards (around 4pm) for a quick drink and a light snack; most of the men had a beer but my nephew opted for 7-Up although he occasionally drinks some beer at home. I found out later that he (and his age group) considered it impolite to drink alcohol in 'adult' company.

The Moot Alumni Association ("MAA") is well aware of these difficulties and has made commendable efforts to address them.

In a similar way, not all nationalities feel comfortable in approaching (old!) Moot Arbitrators whereas, in my view, anyone sitting in the Dachgeschoss or the HK Moot Centre is 'fair game'.

What would you like to share with the readers about the moot in general?

Join in and have a wonderful and profoundly rewarding and deeply satisfying experience.

What do you see as the future of international dispute resolution?

Given the quality, ability, determination, application, ingenuity and enthusiasm of the modern Vis/Vis East students, I see the future as very bright indeed.

That brightness owes a massive amount to two people, first to Professor Dr Eric Bergsten for building the Vis Moot into what it is today and, second, to Louise Barrington without whose creation of Vis East 'my' DAV team, and many others from Asia, would never have been able to participate.

José Ricardo Feris



José Ricardo Feris, Deputy Secretary General, ICC Court

José Ricardo Feris is the Deputy Secretary General of the ICC International Court of Arbitration. The 2014/2015 Vis Moot Problem was based on an arbitration conducted under the 2012 ICC Arbitration Rules. He was involved in the preparation of the problem with Stefan Kröll and arbitrated several sessions at pre-moots and the Hong Kong and Vienna moots.

José, the first contact you had with the Vis Moot was several years ago as student first and then as coach. Can you share with us your experience and why you think that participation to the moot is important?

When I was a law student in the Dominican Republic we did not know about the Vis and arbitration was not taught in Dominican universities at that time. I did however participate to the Jessup moot; it was a life changing experience. My legal training changed 180 degrees after I did the moot; it opened me to the field of International law and it showed me a world I had ignored. It allowed me to develop my advocacy skills, which was very valuable, because you do not receive such training at law school.

As soon as I joined the ICC in 2004 I have been part of the Vienna Vis Moot, either as member of the team organising the ICC pre-moots or coaching teams, or also arbitrating in Vienna.



A team from Sciences Po approached me and a former colleague, Marily Paralika, who is now at White & Case, in 2006; they did not know exactly what the moot was. It was a group of talented students who did not know much about arbitration, but they had read about the moot and wanted to do it as a project for their legal courses.

This year's problem was based on an arbitration conducted under the 2012 ICC Arbitration Rules. How was the choice made? How were the problem and the issues to argue decided? Was it a joint cooperation with Stefan Kroll?

The organisers of the Vienna moot usually discuss with the institution the issues that the institution wishes to highlight through the moot problem related to their Rules. As soon as we received the confirmation that the ICC 2012 Arbitration Rules will be applicable to this year's problem, the organisers contacted the management of the Court. Stefan Kroll met with John Beechey, the President of the Court, Andrea Carlevaris, the Secretary General and me to start discussing the problem. We brain-stormed about the issues we considered relevant and current, and thought that the provisions of the 2012 Rules that were worth including in a potential problem, were those related to complex arbitrations and emergency arbitrator proceedings. It was therefore decided to have these two interesting issues reflected in the moot problem. The use of the emergency arbitrator is on the rise. When we suggested this issue, we had just completed our 10th emergency arbitrator case. Andrea Carlevaris and I had published a report in the ICC Bulletin about such cases, so we were very excited about our experience with respect to emergency arbitrator cases.

Regarding complex arbitrations, such issues are so close to ICC arbitration practice; we developed practices related to joinder, multiple parties and multiple contracts when the 1998 Arbitration Rules were in place because they did not contain express provisions in this respect. The ICC Court developed practices that have become now worldwide standards, which were incorporated in the 2012 ICC Rules and followed by other institutions that revised their rules afterwards.

Was the product referenced in the problem (Coltan) and the use of the UCP 600 Rules and the Incoterms also determined by you?

We discussed the possibility of having other ICC documents featured in the Problem.

It was Stefan Kroll who proposed to feature in the Moot Problem issues related to the UCP 600 Rules and the Incoterms. They were easily adaptable to the facts pattern that the moot organisers had in mind. We were of course glad that not only the ICC Arbitration Rules but also other ICC documents were used in the problem. It was a perfect opportunity to showcase the ICC as a whole.

The ICC has organised several pre-moots around the world, was this the first time they had done so? How are the choices of the cities made? Who deals with such organisation?

Traditionally we organise a pre-moot in Paris every year. Since the ICC Arbitration Rules were applicable, this year we decided to organise and to support several pre-moots around the world. We were more closely linked to the organisation of some of them, and supported others. We wanted to be present in important jurisdictions; we chose to go to China and India because they are important jurisdictions in Asia. We found partners in these jurisdictions with whom we were able to organise pre-moots. The same possibility existed with the US, and Paris, of course, as the home of the ICC. The ICC staff members went to these various jurisdictions to speak and arbitrate, and spent time with the students.

It was highly appreciated by the students and the arbitrators to see the presence of the ICC in so many parts of the world in preparation for the moot. It is the first time that something like this has been done and this was recognised publicly in Hong Kong and Vienna.

Your journey for this year's pre-moot and moot started in Europe, where was that?

I arbitrated two European pre-moots in Riga (Latvia) and Tbilisi (Georgia), two jurisdictions which are developing their arbitration culture and practice. They have practitioners believing in the moot as a tool to reach further, to develop arbitration in their countries and the culture of peaceful dispute resolution. They believe in the moot as a way of achieving that.

You were very excited about the 5th Annual Middle East Willem C. Vis Pre-Moot which took place in Amman, and you were impressed not only with the level of professionalism of the organisation, but also with the level of the students. Can you tell us more about it?



I was impressed with this initiative and the resources provided to the students training. It was not only the moot itself which is impressive but the people behind it and the training provided to the people who come to this moot. Three young students from the US devoted their time and effort to train the students since they started preparing for the moot and then they came to Amman (Jordan) and spent a week with them. Such intensive training had an impact on the level of performance of the students. After two pre-moots in Europe in which I participated before coming to Amman, I found the level of the students by far much higher than the level I saw in Europe and that was extremely encouraging.

Between the pre-moots and the moot you were invited by Professor Vikki Rogers to lecture in the online pre-moot that she organised for the second time? What do you think about the online pre-moot?

Indeed, I had the pleasure to make an online presentation on the ICC 2012 Arbitration Rules and was pretty impressed by the platform put together by Professor Vikki Rogers. I admire what she succeeded in achieving with very little means and no costs, allowing teams from every part of the world, with little resources – a computer and an internet connection – to do practice rounds and have some sort of training. The second interesting aspect of the online training is that it really promotes the use of technology in dispute resolution. By doing that, you realise how easy it is to use technology in real arbitration in order to be more efficient and to save time and costs. If you develop this culture with students, this means that in ten or twenty years you are likely to see another type of arbitration. So, her efforts paid off and I congratulate Professor Rogers for such achievement.

You then continued the mooting adventure in Hong Kong where you arbitrated the finals, what was your experience as a first timer in Hong Kong?

This year was my first time in Vis East which has grown significantly, gathering 107 teams this year, *i.e.* one third of the number of teams going to Vienna. One of the issues that I liked about Hong Kong was the atmosphere. Most of the people managed to get to know each other and you meet more people than in Vienna because you have more time and people are more accessible. This friendly atmosphere between the arbitrators and the students is appreciated by everyone.

One social activity that everyone likes the night before the finals is the seafood dinner on an island close to Hong Kong. Every table had to sing a song and it was a lot of fun.

You mentioned that it was inspiring to work with your co-arbitrators at the final, why?

I enjoyed working with Ingeborg Schwenzer who presided and Sir Vivian Ramsey on the finals. We met to prepare after having already prepared individually before and that showed. Each one of us had our own perspective, point of views and style. We were a Swiss-German professor and practitioner, a former English judge and a Latin American institutional insider, which created a perfect balance and contributed to a very rich exchange of ideas. The three of us enjoyed the panel. We allowed the students to show what they were capable of. We asked a moderate amount of questions which was sufficient to differentiate between the teams. They were so well prepared with impressive advocacy skills. So it is by making questions that you can take them out of their comfort zone and see what arguments they are able to come up with, testing not only their knowledge of the facts which they know very well having prepared during months, but also their knowledge of arbitration in general.

The last part of your journey was the semi-finals arbitrated in Vienna, can you share with us your experience and if you found any difference between Hong Kong and Vienna?

With respect to Vienna, it's interesting to see that it continues to be not only the largest, but also the competition that every student aspires to go to and to win. Some universities which have more than one team send their best team to Vienna. Vienna is still the mother competition. The level you see in Vienna is extremely high, but the level in Hong Kong is extremely impressive too. I would not say that there was a higher level in the rounds that I arbitrated at the semi-finals in Vienna than the rounds at the finals in Hong Kong. The level is as high as you can get.

So were there any differences between Hong Kong/Vienna and Amman?

I was very impressed by Amman, but Hong Kong took place three weeks later. Clearly, the arguments I heard in Hong Kong were much more polished and thought through.



There were issues which had not yet been identified by students in Amman that were identified in Hong Kong. The oral skills were present in Amman, but in terms of arguments I saw an evolution in Hong Kong.

In Vienna, I appreciated the diversity of the teams in the final rounds. Some years ago there were many teams from Europe and the United States reaching the final rounds, whereas this year, there was a very good representation of the whole world. There were Eastern and Western semi-finals, and an East-West final and that was encouraging.

When you see very good students you sometimes think that they may be very good candidates for the ICC, is this something you keep in mind?

That has certainly crossed my mind when I saw the level of students who pleaded like experienced lawyers, and that is the type of people you would like to work with. As part of the ICC support to this year's competition, we offered two internships to the winning teams, both in HK and Vienna. Internships often lead to permanent positions. We have many former and current staff members who were the product of the moot.

You have been involved in the Vis Moot since 2006, what changes have you observed in addition to the fact that countries from all parts of the world participate and that the level of the students keeps rising year after year?

Everyone agreed, including Eric Bergsten, that one of the challenges of this year was the slightly more complex moot problem in terms of legal issues, and the first one which involved the issue of interim measures. Everyone likewise agreed in the organisation committee that it was time to raise the bar, because we saw that the preparations are so extensive and the level of the competition is so high, that it allows the organisers of the moot to continue increasing the complexity of the case, knowing that the students will be able to deal with such complexity.

Do you have recommendations for this year's mooties and for future ones?

There are no secrets in moot competition, there are even books published that explain what the mooties must do, therefore it's difficult to come up with something creative or innovative.

My recommendation would be that, in addition to the hard work and the experience students gain, they should enjoy and have fun and this is a very important aspect of the moot. I always say that real practice may not always be as fun as mooting, so you might as well have as much fun as you can while this is possible.

What would you like to share with the readers about the moot in general?

Congratulate the people behind the moot because they do such a fantastic job. Louise in Hong Kong and Stefan Kroll, Patrizia Netal and Chris Kee in Vienna, but there are many others also. I do not know if they are sufficiently aware of the fact that the moot changes people's lives and the students' careers. So I would like once again to take the opportunity to congratulate them warmly for all what they do.

Patrizia Netal



Mag. Patrizia Netal, attorney-at-law, Co-Director of the Willem C. Vis International Commercial Arbitration Moot

Mag. Patrizia Netal is attorney-at-law, Co-Director of the Willem C. Vis International Commercial Arbitration Moot.

When did your involvement start, can you share with us your experience and why you think that participation in the moot is important?

I became involved in the moot when I began to study law at the University of Vienna. I think my first moot was in 1998. This was at a time when the moot was already an internationally recognized event but it was still a small event compared to now. Due to my organisational role it was never appropriate to participate in the moot as a team member when I was a student although I would have really liked to do so.



Participating in the moot has huge personal and professional benefits. Besides the invaluable insight into international arbitration and sales contracts, the participation allows a student to develop their skills. Students learn to work within a team, gain advocacy skills, and strengthen their self-confidence with every performance in front of a distinguished arbitral tribunal. Participation in the moot is not only about competition, it is an opportunity to start a career and an opportunity to enter into the arbitration community. It is also an opportunity to network with people from all over the world.

You are co-director together with Christopher Kee and Stefan Kröll. Do each of you have a different role? How are the choices of the subject for the problem and the arbitration rules made? Can you share with us insights?

Christopher Kee handles the team and arbitrator registration, he supervises the submission, exchange and evaluation of the memoranda, and he takes care of our new website, which was largely created by him. Stefan Kröll drafts the problem, deals with all questions related to it and takes care of sponsorship. I organise the Vienna week, the financials and the business administration.

Larger management decisions are jointly taken by all three of us in consensus. We frequently have skype calls and personal meetings to obtain advice from each other and to discuss matters that raise our attention. Even though our tasks are distributed, we are intensively involved in what the others are doing by a way of constant communication and exchange.

The Moot Association has created a sub-committee to prepare a proposal of the arbitration rules to be used in the moot. The sub-committee only considers those rules of arbitral institutions that have submitted a request to use their rules to the Moot Association. We have already selected the arbitration rules for the 23rd and the 24th Moot.

When did you become a member of the Verein and what is your role? Can you explain what the Verein is and what is the role of the members constituting this group? How many members are there and how were they selected?

The Moot Association was founded to institutionalize the moot after it became such a success and an

important matter for the universities, the students and the arbitration community and last but not least also for the city of Vienna. Prof. Eric E. Bergsten intended to structure the Moot accordingly to secure its continuation. The Moot Association was founded with members that supported those objectives. Among them are institutional members such as our host, the University of Vienna, or the Austrian Federal Economic Chamber or ex officio-members such as the Secretary General of UNCITRAL.

I became a member ex officio through my organisational role. That was very soon after the Moot Association (Verein) was founded.

The work that the moot entails is significant, do you have a team to assist you or do previous mooties join the group in charge of the organisation? Who decides about the applications made by the teams to participate in the moot? Who does the matching of the teams? What are the steps undertaken to find arbitrators?

Yes, the moot is gigantic. This year we had approximately 3,500 participants from around the world and we have intentionally not set a limit regarding the number of participating teams. Currently, and as long as we can handle the logistics, we accept all team applications which comply with the participation requirements.

I do have a team that assists me during the week in Vienna when the orals take place. Surprisingly, it is only Stefan Kröll, Chris Kee and I who are doing everything else. As you can imagine this is quite a challenge beside our paid work as attorneys, academics and arbitrators. But we all feel personally committed to the moot as all three of us have somehow grown up with the moot and the moot has had a huge impact on our careers.

In your opinion, how did the competitions evolve since you have been involved, what are the changes that you have seen?

The spirit of the moot changed in certain ways. When I started there were no pre-moots and Vis East did not exist. At that time the students were so much more excited about starting their first performance in the oral hearings in Vienna as it was in most of the cases in fact their first hearing in front of an arbitral tribunal. You could see the red cheeks and you could sense the nervousness in the Dachgeschoß.



Nowadays, many of the students seem so experienced, they have gone through several pre-moots, most of them appear already very professional and are able to show a high-standard of advocacy. I would say that the quality of advocacy has increased from year to year and the standard is extremely high. But I am glad to say that the competitive aspect does not seem to stop the students enjoying their week in Vienna and taking the opportunity to make friends with students of other teams.

Would you have an idea about the number of women participating in the competing teams?

This year there were about 1075 women participating as team members, which amounts to approximately 56% of the team members.

As you know, many ArbitralWomen members arbitrate in pre-moots and moots around in the world. Do you have an idea about the number of women arbitrators?

No, we do not ask about gender in the registration process. Overall, in the general rounds I think there is a good balance of female and male arbitrators. Many former students come back over the years to act as arbitrators and I think over the years the moot had an impact on the increase of women in the field of arbitration. I know so many former students that have found their place in the arbitration community and some of them are renowned arbitration practitioners now.

But we do sense a lack of high-profile female arbitrators in the final rounds. I am not sure whether this reflects the general percentage of women having high-profile careers in international arbitration or whether there is a different reason. For sure, I would welcome an increase in the numbers of female arbitrators in the final rounds next year.

Do you have recommendations for the recent mooties and for future ones?

When being asked that question, the founder of the moot, Prof. Bergsten always says the moot is not only a competition. It is much more. It is an exceptional educational experience that also provides a platform for meeting future colleagues and the most experienced arbitration practitioners from all over the world. I fully share his opinion.

Do you have specific goals that you would like to achieve in the next couple of years?

There are some regions of the world that are still underrepresented. It would be nice to get more teams from these regions to Vienna.

Interviews conducted by Mirèze Philippe

ArbitralWomen Mooting Award Programme

ArbitralWomen reported in the Newsletter issue n°3 on the Vis Moot about the teams supported by its Mooting Award Programme. In 2008-2009 and in 2009-2010, respectively, ArbitralWomen paid the moot registration fee for three teams from Vietnam, Indonesia and Tunisia. In 2010-2011, four teams were sponsored from Vietnam, Indonesia and two teams from India. In the following year, 2011-2012, the three teams supported were two from Vietnam and one from Egypt, and in 2012-2013 the sponsorship went to two Vietnamese and two South Korean teams. In 2013-2014 the three teams supported were from Vietnam, India and Kenya.



The National Law School of India and Universitas Gadjadara, both sponsored by Ashurst. A short celebration was organised to thank the lawyers and firms for their generosity. End left Fan Yang, Mary Thomson and Louise Barrington in the back, in the centre back Ben Giaretta (partner Ashurst LLP Singapore), and Dalma Demeter on the right side of the photo in the back.



For the first time, this year, 2014-2015, ArbitralWomen was able to sponsor five teams thanks to the generosity of sponsors. Rashda Rana reported in her President's Column in issue n°13 of the Newsletter and in this issue, that each award would carry the donor's title. This year: the **Jane Willems Award** went to the Diplomatic Academy of Vietnam; the **Ashurst Award** went to the National Law School of India and also to Universitas Gadja Mada; the **King & Wood Mallesons Award** went to West Bengal National University of Juridical Sciences; and the **President's Award**, inaugurated by Rashda Rana SC, went to the Universitas Indonesia Vis Vienna Mooting Team.

ArbitralWomen wishes to record our special thanks to all the sponsors, whose generosity enabled these teams to compete at Vis and Vis East 2015. A gathering was held at the Vis East Centre during the Vis East Moot to thank the sponsors who were able to attend in person, although Jane Willems was unable to attend as she stepped in to cover for a missing arbitrator. The sponsorship made a big difference to the teams and we hope it will continue in the future.

Mirèze Philippe

Reports from Teams Supported by ArbitralWomen

Diplomatic Academy of Vietnam Moot Team, recipient of the Jane Willems Award

This was the seventh year a Diplomatic Academy of Vietnam team has participated in the Vis East Moot. Throughout the years, we have developed our own level of knowledge and mooting skills as well as creating a strong Vis community in our university. More attention is paid to arbitration and the CISG. On one hand, arbitration is being taught in our university as one of specified subjects on dispute resolution. On the other hand, although Vietnam is not yet a member of CISG, it is on the process of consideration and promises to become a member in near future. Our predecessors at the Vis East Moot Competition are working hard to promote these two areas in Vietnam and definitely, we and next generations will contribute to that work.

We gained more from this experience than we could have imagined. Our debating ability improved

significantly and we benefited from the comments by arbitrators. As our coach, Hew R. Dundas said, "Once we can add real advocacy skills to DAV's very thorough preparation, we will close down the gap between DAV and the top teams". We also appreciate every precious relationship we make at this competition. Especially this year, we had a chance to meet with sponsors and other teams sponsored by ArbitralWomen and could express our gratitude for their assistance and make friends.

We received a lot of assistance from sponsors of ArbitralWomen, Vis organisers, our coach Mr. Hew R. Dundas as well as our predecessors who participated in the Vis East Moot in previous years. We also want to thank to Allens & Linklaters and Baker McKenzie law firms in Hanoi for their support, especially during our preparation of memoranda and oral practice.

We know we still need to try harder for next competitions. Therefore, returning after a long journey, we are planning to pass our experience down to the next generations so that they can move up a gear and make significant achievements in following years.



Diplomatic Academy of Vietnam, a three-women team and one-man. L-R: Do Cam Tu, Pham Thi Minh Trang, Hoang Ngoc Quan, Nguyen Ngo Thuc Anh

National Law School of India, recipient of the Ashurst Award

Participating in the Vis East moot was a very rewarding experience for us. The process of researching on the problem, drafting the memoranda and arguing at the competition taught us some very useful skills that are likely to enhance our professional careers as lawyers.



The opportunity to plead before Prof. Dr. Ingeborg Schwenzer, a noted authority on the CISG, in the finals of the Pan-Asia Rounds, was a particularly exhilarating experience.



National Law School of India, L-R: Misha Chandna, Ingeborg Schwenzer, Sapan Parekh, Ritika Ajtsaria

We are very thankful to ArbitralWomen for having made this possible. While we do get some financial support from our University for participating in the moot, the extent of the same is uncertain and would probably have not been sufficient to cover our expenses for the moot. The financial assistance provided to us by ArbitralWomen was a source of great comfort and allowed us to work on the moot problem, without worrying about finances to a great extent. This is especially so in light of the fact that we don't have coaches to assist us through the process. We also really enjoyed the get-together organised by ArbitralWomen at the venue of the moot competition. It was a very warm event and it was a pleasure to meet the sponsors, the team from ArbitralWomen as well as the other participants. We really appreciate the support and hope to see it continue and assist other teams in the future.

Universitas Gadjah Mada (Indonesia), recipient of the Ashurst Award

After a long process of writing memoranda, pleading, and fundraising, The Vis East moot has finally finished. Getting a chance to be in Hong Kong to get such unforgettable experience was one of our dreams.

Not only has this competition prepared us for a real career in arbitration, meeting new friends from other countries and international legal experts has also inspired us to be more proficient in law. The competition itself taught us more than a commercial arbitration; it has successfully dragged us out of our comfort zone and allowed us to see the world in a different way.

Studying law in a country that has not yet ratified CISG and where arbitration is not well recognized meant that our team had very limited access to books and references related to two crucial parts of this competition; CISG and arbitration. However, the struggle we had been through paid off since, in this year's moot, we were awarded the "Spirit of the Moot" award.

After finishing this competition, we can say that this moot is a worth-having-experience for every law student. We are very fortunate to be five among thousands of law students who got the chance to have this experience. Thanks to ArbitralWomen that helped to make this real for us. Now, we are going to transfer the knowledge we acquired during this competition to our friends and make sure that they will have the same opportunity to participate in the Vis East moot next year.



Universitas Gadjah Mada, a three-women team and two men. L-R: Hew Dundas, Bunga Cesaria, Anaq Pratama, Tiuruli Sitorus, Nadia Febrina, Ibnu Farabi, Louise Barrington



West Bengal National University of Juridical Sciences (India), recipient of the King & Wood Mallesons Award

The journey of the West Bengal National University of Juridical Sciences team in the 2015 Vis East competition was a tremendous learning opportunity, a gateway to a new world, one which had been made possible with the contribution and help of ArbitralWomen. The moot provided us with a platform different from any other, to explore a new field and scratch beneath the surface of an entirely new discipline. The six month preparation saw its ups and downs, with us hitting dead-ends on wild goose chases or at times striking gold with a teammate making a ground-breaking (back then it did seem that way) discovery during research.



West Bengal National University of Juridical Sciences, half of the team is made of women. L-R, front: Mihika Poddar, Ayushi Singhal, back Shivam and Akshay Jose.

We were helped by previous university participants and gathered some insight into the workings of the moot via the Delhi pre-moot, we thought we knew quite a bit about what it was we were going to be involved in. However, all that we had read and researched, practiced and anticipated was challenged in Hong Kong, where our team realized the magnanimity of the event we were a part of. Having met people, arbitrators and students from all over the globe, trying to familiarize ourselves with the buzzing atmosphere of an alien city, we braced nervously for the first round. And ever since,

every moment of the competition taught us something new, making us question previously held notions. Every stage that we progressed into, from breaking into the elimination round of 32 to making it to the Semi Finals, we faced amazing opponents, every round only teaching us something different, something we strived to work upon for the next one. Valuable feedback from arbitrators helped us improve, be it in content or style.

Even though disappointed at not having made it to the Finals, we absorbed the true essence of the competition- the opportunity to learn, grow, meet new people with different backgrounds and ideologies, and come home with a hoard of new stories to tell and friends to keep in touch with. We are forever grateful to ArbitralWomen to have contributed to having made it possible for our team to embark on this life-changing journey that even left some of us inclined to pursue arbitration in the future.

Universitas Indonesia, recipient of the President's Award

The participating team from Universitas Indonesia comprised five students and coach, Asri Rahimi, and competed in Vienna. They provided the following report to ArbitralWomen.



Universitas Indonesia, an all-women team of 6 members, co-coached by AW Board member, Karen Mills. Here, at the ICC Pre-Moot on 20 March 2015. L-R: Zarina Marta Dahlia, Janet Lim, Fathia Izzati, Nisrina Hardila, Ainun Ringe Angelina, and Asri Rahimi (coach). AW members in the centre Mirèze Philippe, Irene Welsler and Ileana Smeureanu who arbitrated at the ICC pre-moot in Paris.

“Just like other teams, it took us months to prepare for the Moot. The selection took a month, and that included workshops, mentoring sessions, and pleading practices. All participants had to submit their written memoranda, plead against each other, and be interviewed. The coaches are all Vis alumni, so they had hands-on experience. After the team was formed, we wrote our memorandums and practiced our oral pleadings. On the last days of our Claimant Memorandum's submission, we received the very good news from ArbitralWomen, that we were honoured with the President's Award.



A clever way to show their team-mates the time left for their arguments. The Universitas Indonesia Team is showing the carton timer with the “13 Thirteen” minutes left. The team was coached by Karen Mills (AW Board member)

The team departed for Europe on March 16th and participated in the Hanseatic Pre-Moot in Hamburg, the ICC Pre-Moot in Paris, and the Budapest Pre-Moot in Budapest. These Pre-Moots really helped the team improve and helped us to finally reach Top 8 of the Moot this year, and for Zarina Marta to receive the Martin Domke Award's honourable Mention for Best Oralist. Girl power!”

Contributions from Participants

‘Incredible’ – The Highest Placed Female Oralist in Hong Kong, Yong Eoh from University of Houston (USA), Recounts her Experience of Attending Vis East

The University of Houston team, coached by **Ann Ryan Robertson** and **Lucy Greenwood**, placed 2nd out of the 107 teams going into the elimination rounds. The team consisted of speakers Yong Eoh and Benjamin Cohen-Kurzrock, assisted by Emily Banse and Vladi Vladimirova. The team also received an Honourable Mention for their Claimant Memorandum. Yong Eoh, 2nd Runner Up, Best Oralist, Vis East 2015, recounts her experience of attending the moot.

“The Vis East Moot was an incredible experience. Our team successfully made it through the general rounds, and although we were defeated in the elimination rounds, this disappointment was marginal in comparison to everything that our team and I personally, learned during my time at the Vis.

Hundreds of students from around the globe travelled to Hong Kong to advocate for their clients. Each student had a different advocacy style that was shaped by the nation’s culture, the individual’s personality, and refined by months of coaching and practice.

The arguments evolved significantly from the time the teams submitted their briefs. Teams made sophisticated and passionate arguments, and responded to questions in a manner that demonstrated a mastery of the relevant law and the record. Arguments also oftentimes reflected principles and ideas that were prevalent in certain countries.

It was astounding to see so many people from different countries communicate with one another so openly through a single language. There was an immense sense of collegiality and unity amongst the teams. Teams gave other teams words of encouragement and cheered them on when they advanced to elimination rounds. At night, many mooters went to the “moot bar” Rula Bula to unwind and socialize. I had the unique opportunity of accepting a speaking award on stage. The two other recipients who joined me on stage were from a school with whom we had exchanged briefs earlier in the year, and with whom we had spent the previous night getting



to know each other over drinks. It was a great honour to be able to accept an award along with these friends.

Our team also had the opportunity to travel to Lama Island on a boat with many arbitrators who judged the rounds. It was interesting to hear their feedback as to both the advocacy styles and the substantive arguments that were made by our fellow colleagues. Not only did I realize how important it is to master the material, but also to advocate in a manner that allows you to connect with the tribunal and to effectively communicate your message to the tribunal.



University of Houston Vis East Mooting Team. L-R: Benjamin Cohen Kurzrock, Yong Eoh, Emily Banse, Vladi Vladimirova and Ann Ryan Robertson (coach). At football games in the US, different schools have hand signs that they use. U of H is the Cougars and that is the hand sign, it is supposed to replicate a cougar paw.

Most importantly, I was happy to have made this trip with my team. It was an incredible ride, and I was happy to spend time with them – both working and having fun. Emily Banse, who worked with me on the procedural issue, went to rounds to collect information on questions and answers and arbitrator styles, and with any free time, continued to research and help prepare me for my arguments, as did Vladi Vladimirova. Benjamin Cohen-Kurzrock, my teammate on the merits, also continuously provided me with support throughout the competition. Our coaches were also a tremendous help. Lucy continued to answer our questions and send us materials from the states, Ann helped fine tune our arguments and helped us answer novel questions, and Jim Lawrence from the University of Houston practiced with us and helped instil in our team a high energy level and confidence that helped carry us through the competition. It was a level of teamwork that I had never experienced before and an experience that I will always remember.”

A ‘Unique’ Experience, by Livia Moraes, Universidade Positivo (Brazil)

The Universidade Positivo team from Brazil who competed in Vienna was made up of five women and two men this year, in 2014 there were 11 women in the team. All the five women from this year’s moot had previously participated in the 21st Vis Moot. This year the team also participated in three pre-moots, the first one was the São Paulo pre-moot, the second one was the Curitiba pre-moot, and the third one was the ICC pre-moot, in Paris.

The experience was unique. Learning how to work as a team, helping each other in all the circumstances and sharing the moments of recognition of all our hard work was the best part of the moot.



Universidade Positivo (Brazil), team of five-women and two-men, L-R: Guilherme Oshima, Mayara Lima, Bruna Reis, Juliana Felipe, Livia Moraes, Giovana Leites and Bruno Zonari

“Challenging but rewarding”, by Katherine Buchan, University of New South Wales (Australia)

The Vis Moot is an incredibly challenging but ultimately rewarding experience. It has given me insight into areas of International Law which I did not know existed 8 months ago and in which I now have a particular interest. It has vastly improved my practical legal skills (both written and oral) and has shown me the



importance of both commerciality and dispute resolution strategy which seem far removed from the textbooks of law school. Apart from the educational benefits, it has introduced me to passionate and talented people from all over the world who will one day be my colleagues.

One of the stand-out moments of my Vis experience was a moot which my teammate Melissa-Ann Gillies and I participated in against the all-women team of Dar Al-Hekma University in Saudi Arabia. It was our 3rd preliminary round at Vis and the team we were scheduled to moot with had dropped out. To our great relief, the team from Dar Al-Hekma stepped in at the last moment to have an extra practice round. What was so unique about this moot was the palpable enthusiasm and excitement of our opposition and their supporters. 3 out of 4 of our team (the University of New South Wales in Australia) are women but I don't think any of us had ever thought about that as being remarkable. But for the Dar Al-Hekma team, the fact that they, as women, now had the opportunity to study law, to participate in an international moot and eventually to practice law was something to be celebrated and acknowledged. We later found out that it has only been in the last few years that women in Saudi Arabia have been granted legal licences for the first time allowing them to practice law. It was a great privilege for us to meet them, moot with them and share the Vis experience with them.



L-R: Melissa-Ann Gillies & Katherine Buchan (University of New South Wales, Australia), Viktor von Essen (ICC), Jack Coe (president) and Susanne Kratzsch, Maryam Al-Dabbagh & Ohoud Mously (Dar Al-Hekma University, Saudi Arabia)

I would call the Vis Moot a once in a lifetime experience but year after year it draws back former mooties as coaches, arbitrators and volunteers. There are many reasons for these annual pilgrimages to Vienna but one, I think, stands out; Vis brings people together from so many different countries speaking different languages (although English is used for the moot), with different cultural backgrounds and from different walks of life. All work on the same legal problem, all voices have a chance to be heard and all participants are valued equally.

The 2014/15 UNSW team consisted of Melissa-Ann Gillies & Matthew Baker (procedural speakers) and Ashna Taneja & Katherine Buchan (merits speakers). We participated in the ICC Pre-Moot in Paris as well as the Brussels Pre-Moot before heading to the Vis Moot in Vienna. As a team, UNSW received an honourable mention for proceeding to the round of 64, and Melissa and Katherine received individual oralist honourable mentions.

ILS Law College (India), by Prenay Jain

The ILS (Indian Law School) team participated in 3 pre-moots before attending Vis Vienna: the 5th Indian Vis Pre-Moot organised by ICC in Delhi, India, the PCA Vis Pre Moot, Peace Palace, The Hague, Netherlands, where the team were runners up, and the ICC Vis Pre Moot in Paris. Prenay Jain from ILS reports on their experience:

With the momentum and the confidence we gathered at the PCA pre Moot we practiced at the ICC Pre Moot, this pre moot was very special for all of us as we were arguing the ICC Rules of Arbitration at the ICC Global Headquarters. It was also special for we met our coach, **Abhinav Bhushan** here who was with us all through out in the competition and guided us in improving our performance, which helped us to a great extent and we are extremely thankful to him for his guidance and support.

Then we participated in the main rounds in Vienna where we managed to get to the Round of 8 and received Honourable Mention for Team Orals. All this would have not been possible for the support and experience we got at the pre-moots, the feedback of the Judges and support from Abhinav Bhushan.



The American University of Afghanistan Team, by Farahnaz Roman

This year was the second time that students from Afghanistan competed in Vis East.

We were glad we made it to Hong Kong and competed successfully against great teams. Although we did not make it to the elimination rounds, but the fact that we worked hard and presented our arguments well, this was in itself a big achievement for us. The really nice comments of arbitrators and our coaches' encouragements were the proof that we made ourselves and our country proud, in the future we will do our best to go even further. Women issues have always been present in the world and in our country too but the great participation of women at the Vis competitions shows that things are now changing and at the end of the day what really matters is 'talent', not some gender. I am happy I was part of Vis, it is not only about the competition, but one has the chance to meet great people and make some good friends.



L-R: Sodaba Saeedi, Farahnaz Roman, Emilie Hu (ICC Deputy Counsel), Samira Abrar, Marwa Asheeq. One of the Afghan teams competing in Hong Kong, all women, who was heard by one male arbitrator (CI Arb pre Charles Stevens) sitting on a panel with two women, judging two all-women teams

Sarajevo Vis Moot Team (Bosnia and Herzegovina), by Nevena Jevremović

Back in 2010, four women who were a part of the Sarajevo Vis Moot team decided to work together to promote the Vis Moots in Bosnia and Herzegovina.

These women were Ilma Kasumagić, Nevena Jevremović, Maida Omerćehajić and Aida Skenderagić –practitioners in law firms and founders of the Association ARBITRI, an association that is focused on reforming arbitration system in BiH, they coached this year's team from Bosnia and Herzegovina.



University of Sarajevo team at the Dachgeschoss in Vienna, L-R: Halisa Čengić, Enida Šaćirović, Maida Omerćehajić, Jasmin Omerdić, Belma Šerbečić, Fahira Brodilja, Ilma Kasumagić, Nevena Jevremović

Over the last 12 months our work with students of the Sarajevo Faculty of Law has been supported by Professor Meliha Pvlakić, teaching assistant Selma Mezetović and Mrs. Katerina Ossanova from the U.S. Commercial Law Department Programme.

With such strong support, the team of 4 women and 1 man started its preparations in September last year – workshops, research, advocacy trainings, case analysis all together made the students spend 10 hours at the faculty premises almost every day for the whole semester. The final test of all their hard work started in Vienna with the first official round against Humboldt University, following Masaryk University, St John and, finally, Montpellier University. From the beginning, it was clear that not much was expected from the Sarajevo team. However, we were pleased that, after each pleading, the arbitrators expressed their positive comments and opinions to each of our team members.

We stayed 10 days in Vienna participating in almost every social event and conference and met almost all mayor decision makers, scholars and practitioners in the international commercial arbitration world.



The team was very satisfied with their pleadings and the way they represented the faculty, the coaches, the sponsors, and finally, the country.

Three days after we arrived in Sarajevo, we started forming a new team and promoting Vis Moot to all universities in Bosnia and Herzegovina. The post-moot events coming this spring are focused on finding this year's participants assistant coaches for next year.

The idea of the Vis moot is finally implemented in our university and it is gaining significance daily with the support of group of people whose hard work, expertise and enthusiasm is rewarded by improvement and growth of the Vis Moot idea in our country.

Loyola University Chicago Law School's All-Women Vis Moot Team (USA), by Thai Binh Tran

Like the other Vis Moot teams, we studied the CISG, wrote memoranda, and refined our oral arguments. Unlike the other Vis Moot teams, Shirley Chen, Elisabeth Fiordalisi, Chelsie Nelson, and I, formed an all-women team guided by a female coach, Rae Kyritsi, and a renowned female instructor—Professor Margaret Moses (AW member).



Loyola University Chicago Law School's all-women at the Austrian Palace of Justice in Vienna, L-R: Shirley Chen, Chelsie Nelson, Professor Margaret Moses, Prof. Dr. Ingeborg Schwenzer, Elisabeth Fiordalisi, Thai Binh Tran.

As an all-women team, we gained much more than just international legal experience and oratory skills. We learned the value and importance of women supporting and mentoring each other through challenging arguments, difficult criticism and insightful praise. We also learned that talented and intelligent women with strong voices are extremely influential in the field of commercial arbitration. In particular, we were honoured to receive critiques and advice from Professor Doctor Ingeborg Schwenzer (AW member) during our Pre-moot at the Austrian Oberster Gerichtshof (Palace of Justice).

I also can't forget our celebratory dinner on the night it was announced that we had advanced to the Round of 64. After Professor Moses finished her toast, a group of Vis participants nearby walked over to congratulate us and asked for our business cards. In particular, they looked at our team, a bit perplexed, and asked, "So there are no men on your team?" We grinned and proudly said, "No, we're all women."

University of Denver (USA), by Mamie Ling

The University of Denver's Vis teams consisted of 6 members, 5 of which are female. The Denver Vis East Team consists of two women, the Denver Vis Vienna Team was also comprised of two women, and the Denver Domestic Team has a man and a woman. In San Diego, the University of Denver won the premoot, with Giedre Stasiunaite receiving the 1st Runner Up Best Oralist Award.

The all-female Denver Vis East Team participated in the Shanghai Premoot, where they were honoured to compete in the final round against another all-female team, Pontifícia Universidade Católica de São Paulo. Denver won the Premoot in Shanghai, where Samantha Peaslee also received an honourable mention for best oralist. In Hong Kong, the Denver Vis East Team made it to the Quarter Final Round, where they were defeated by Singapore Management University, who eventually went on to win the entire Vis East competition. Both Katie McAuley and Samantha Peaslee of the Denver Vis East Team received honourable mentions for best oralist in Hong Kong. The Denver Vis West Team participated in both the Belgrade and Budapest premoots before arriving in Vienna, where the all-female Denver Vis West Team made it into the Round of 64. They were defeated by the University of Cambridge, a team that was also



predominantly female. Mamie Ling received an honourable mention for best oralist in Vienna.

The University of Denver Vis Team is unusual in that it is often predominantly women. Denver holds the internal "Vis Cup" competition annually, which is used as an audition for the travelling team. The winner of the Vis Cup automatically earns a spot on one of the travelling teams. For the last six years, female students have won the Vis Cup. Overall, the Vis Moot has been an amazing opportunity for students at the University of Denver to gain experiential experience in arbitration, and to network with the best law students and attorneys in the world. The experience we have gained is invaluable. As the presence of women has greatly increased over the years, it has become a platform for women to practice their oral advocacy and meet other successful women throughout the world.



University of Denver Sturm College of Law at Vis East: Katie McAuley and Samantha Peaslee

“Unforgettable”, by Fabiola Madrigal from University of Costa Rica

Our experience at Vis was unforgettable. At our university, the University of Costa Rica, there is no training available on the kind of legal reasoning, writing, and advocacy expected in an international arena. Consequently, we prepared for the written and oral sections for a combined total of 5,000 hours, during which our patience and perseverance were especially tested. Our coach, Rocio Perez, emphasized careful and deliberate legal analysis - which we were able to master

after many iterations, and by taking consistent steps to understand the field of arbitration, contract interpretation methods, and common law reasoning - an entirely new approach to the law for us.



University of Costa Rica, L-R: Rocio Perez (coach), Alejandra Fernandez, Fabiola Madrigal, Maria Lucia Torrealba, José Pablo Quirós, Ericka Unfried, Felipe Volio

Throughout the competition, teamwork was fundamental to deliver our best. Each member was able to apply their unique skills (e.g., fundraising, oral advocacy, research) to make the team stronger. We were a constant source of support for each other, and after having worked so hard on the written section, we stopped considering each other “teammates and coach”, but rather “family”. Ultimately, we all opened our eyes to new opportunities and understood the expectations and standards set for international attorneys. Most importantly, we built real and lasting friendships with colleagues from all around the world including Russia, Turkey, Switzerland, United States, Hong Kong, Argentina, and Uruguay. Not only have we gained invaluable professional skills, but also gained an appreciation for different cultures.

Our team consisted of four women and two men, all of whom were Vis novices.

We attended two pre-moots, one at the University of Belgrade, Serbia and the other at Eötvös Loránd University of Sciences, Faculty of Law, Budapest, Hungary.

Although we did not make it to the top 64 in the Vis, we gained invaluable experiences and professional skills.



University Saint Joseph of Beirut (Lebanon), by Nay Constantine

The Vis Moot is certainly one of the best experiences our team - the Universite Saint Joseph de Beyrouth - has had. Through the pre-moots we participated in as well as during the actual competition in Vienna, we had the chance to meet mooties, jurists, lawyers, scholars, and arbitrators from all over the world and deepen our knowledge in the various fields of law, notably that of international commerce and international arbitration.

Given that we were a team of very young law students, we were discovering a new world and seizing every opportunity to improve. Our week in Paris for the pre-moots helped us shape our pleadings and enhance our oral skills. We attended the ICC pre-moots held on the 20th and the 21st of March, as well as other pre-moots organised by several law firms such as Auguste & Debouzy, Skadden and DLA Piper. These training sessions groomed us well for the competition in Vienna and the pleadings held against the numerous well prepared teams showed us the extent of seriousness in the competition. We had to delve deeper into research and come up with arguments that would make our case stronger. But we can only say that all those long nights of preparation, of reading, drafting, and pleading made us all grow in a myriad of ways. And despite the stress and the emotions, we still found the time to have fun, bond, and forge friendships for life. The moot is much more than a simple law competition. Words simply cannot describe what we had the chance to experience and we can only sum it up with: we all had the time of our lives!



University Saint Joseph (Beirut, Lebanon) at the ICC pre-moot 20 March 2015, a team of five-women and two-men. L-R: Fabienne Barmo, Fawzi Oueidat, Nay Constantine, Bachir Sayegh (coach), Nour Nicolas; front, Bechara Daher, Myra Hamad, Diana Mazloum

Thoughts from Coaches

Lucy Greenwood & Ann Ryan Robertson, ArbitralWomen Members



Ann Ryan Robertson
(former AW Board member)



Lucy Greenwood
(AW Board member)

Ann Ryan Robertson (former ArbitralWomen Director) has coached the University of Houston Vis East team every year since Vis East began 12 years ago. Lucy Greenwood (Director ArbitralWomen) joined the coaching team in 2010. They give an insight into their experiences below.

Coaching a Texan team throws up interesting challenges. As George Bush memorably once said “*some folks look at me and see a certain swagger, which in Texas is called walking*” and part of our role as coaches is to educate the team on the cultural differences that are so evident in the truly international mix that is found in the Vis competitions. We try to keep our Houstonians’ swagger, but meld it into a more international style, Texan style with European twist: which could be neatly summed up as, essentially, ‘cowboy boots and suits’.

As coaches, we work on presentation skills, timing and team work. We try to anticipate the thorny questions that the teams will invariably face, we counsel the students to take a break occasionally and we role play being the most objectionable arbitrators we can be, just to put the team on the spot. Each year we wave the team off to Hong Kong knowing that they have put in an immense amount of hard work, shown more dedication than we thought possible and that we will derive an enormous amount of satisfaction in their performance. The personal growth and development that we witness each year is phenomenal and we feel very privileged to be part of the whole Vis process. This year we were particularly delighted that Yong Eoh was the highest placed female oralist at Vis East, placing 2nd Runner-Up in the Best Oralist category.



Carine Dupeyron (ArbitralWomen Member) and Paola de Vienne



*Carine Duperyon, Partner,
August & Debouzy*



*Paola de Vienne, Associate,
August & Debouzy*

For the seventh consecutive year, international arbitration lawyers at August & Debouzy have coached a team of students who participated in the “Willem C. Vis Moot”, a world-known international moot court competition which attracts more than 2000 students from over 300 universities around the globe.

The coaching involves training the students to draft written submissions for claimant and respondent as well as for the final phase of pleadings which takes place in Vienna.

The annual “A&D Pre-Moot” which the firm organises a week prior to the actual moot is the ultimate stage of preparation for the students: the teams from French and international universities which are invited to participate, including the Paris Bar School team which August & Debouzy coaches since 2011, are given the opportunity to benefit from the constructive feedback of numerous international arbitration practitioners who kindly accept to dedicate a whole day to hear students plead against each other.

More importantly, the Vis Moot experience is a two-way road which benefits both the students and the arbitration team of August & Debouzy. In getting involved in the coaching of Paris Bar School students, the August & Debouzy arbitration team expresses its interest and commitment to the training of the future generation of arbitration practitioners. It is also a unique opportunity to actively take part in a gathering of over 900 lawyers, law professors and other arbitration practitioners from the entire world and make acquaintances, share knowledge and experiences with other talented members of the profession of every

age and origin, first at the “A&D Pre-Moot”, and above all, during the week of pleadings in Vienna, to which the members of the arbitration team of August & Debouzy regularly take part both as coaches and as arbitrators.

This year, coaching Vis Moot participants has been an “all-women experience” since both the August & Debouzy coaches and the Paris Bar School team were exclusively composed of women. The Paris Bar School was awarded an “honorable mention” for its written submissions on behalf of claimants, which means it was listed as one of the best 25 memorandum out of over 300, a sign that the presence of women in arbitration is not only a growing reality but often a synonym of success!



An all-women team of the Paris Bar School coached by Carine Dupeyron (AW member), Marie Valentini, Helen Adler and Paola de Vienne from August & Debouzy. L-R: Marie Valentini (A&D, associate), Paola de Vienne (A&D, associate), Pascaline Mélinon, Grace Chammah, Cassandra Lorient, Tess Pickard, Claire Teillard d'Eyry

Kiran Gore, ArbitralWomen Member



Kiran Gore, Associate at Three Crowns LLP

It is unbelievable to me that my experience as a competitor in the Vis Moot was six years ago! To this day, the approach of springtime automatically recalls the feelings of trepidation and excitement with which I



travelled with my teammates from Brooklyn, New York to Vienna to represent Brooklyn Law School in 2009. I was one of three members of an all-female team and our team was the second one that Brooklyn Law School had ever sent to the Vis Moot. We were ably coached by Benno Kimmelman and Dana MacGrath (now at Sidley Austin LLP in New York).

Like all the other teams, our group of five spent countless hours over several months preparing our memorial and arguments, while also honing our delivery through participation in Pre-Moots. These efforts culminated in relatively short-lived oral presentations of which we were very proud. I cannot recall today exactly how we placed or what universities we competed against. But it feels like yesterday that we enjoyed a week of gorgeous Viennese springtime as we visited every coffeehouse across the city. Over iced coffees we would fine-tune arguments and presentation style, evaluate our adversaries' authorities and arguments, and overanalyse our own performance. We had fallen down the rabbit hole of the Vis experience and we had comrades from all over the world in that experience. The camaraderie that the Moot encourages is infectious and unparalleled. We competed against and then socialized with students we never would have otherwise encountered. Today I am proud to call many of these fellow Vis Mooties my colleagues in the international arbitration realm.

Since that first Vis experience, I have sought out opportunities to continue my involvement in the Vis community. While not an official coach, every year I offer my comments and guidance to students who are being coached by my colleagues. I also frequently act as a mock arbitrator at Pre-Moots in New York and Washington, D.C. I am always certain to advise students that they should enjoy the experience for everything it has to offer. The Vis Moot attracts a broad cross-section of students and arbitration professionals, each there to socialize, learn, and enjoy a piece of the Viennese spring.

Lidia Malhillon

Lidia Malhillon was one of the coaches of Vis team from the Catholic University of Louvain-La-Neuve, Belgium, who competed in Vienna:

Our team was composed of nine Belgian students, of which six women and three men. The pleaders were four women and one man.



Catholic University of Louvain, L-R: Lucía Canga Roza (mootie), Sophie Goldman (Strelia law firm), Jean-François Tossens (Strelia), Lidia Malhillon (mootie), Lancelot Clément de Cléty (mootie), Sophie Brenard (Strelia), Aurélie Glinne (mootie). Seated: Loïc Monteiro and Henna Anoop (mooties)

Coaching the team was an exciting challenge. Indeed, as a coach I had to make the students push their ambitions to the limit, but also help them to gain self-confidence.

We benefitted from the opportunity to participate in three pre-moots. The first one was the pre-moot organised by the London School of Economics on the 14th and 15th March. Pleading before Common Law arbitrators was a truly rewarding experience for the students. The next week, we went to Paris to take part to the ICC pre-moot. It lasted three days and we had the chance to attend several sumptuous receptions. Just before Vienna, we participated in the famous Brussels pre-moot, organised by the Belgian law firm Strelia. There, I had the fulfilling opportunity to arbitrate teams from all over the world.

After all this preparation and hard work, it was time for the real competition in Vienna. Our students were more than ready to plead and to enjoy the experience. We met a lot of friendly and welcoming teams and arbitrators. It is really easy and pleasant to meet people during the Moot, because everyone has the same goal in mind: to enjoy the experience and to share knowledge in international commercial arbitration.



It is also very impressive to see that each person – student or arbitrator- will have a different perspective on the case. No matter how many hearings you attend, one cannot fail to gain new insights.



All-women teams: University of Köln (Köln, Germany) pleading against Catholic University of Louvain (Leuven, Belgium). L-R: Sophie Brenard (coach, Strelia Law firm), Lidia Mahillon, Henna Anoop, Aurélie Glinne (team from Louvain) and members of the team from University of Köln, heard by Irene Welser (president), Hans-Claudius Scheef and Ileana Smeureanu at the end right of the photo (AW Board member)

“Long and Winding Road” of First Iran Vis Moot Team, by Philip Ray

Philip Ray coached the first Iranian Vis Moot team who was presented with the first “Spirit of Vis” award in Vienna.

Although the first Iranian Vis Moot team (<http://matu.ir>) did not advance to the elimination rounds, Vis Co-Director, Stefan Kröll acknowledged their high level of advocacy -- achieved without the resources of more established teams – by presenting them with Vienna’s first “Spirit of Vis” Award. After the 2 April 2015 Vis Final, the team celebrated at Ost-Klub with the victorious Uni-Ottawa team and their Professor Anthony Daimsis, who supported their written and oral advocacy training and with other Vis Mooties, who were “FAST precision” (“FAST”: Facts, Applicable Law, Substantive/Procedural Law, Decision Tree) trained by Uni-Pittsburgh’s Professor Ron Brand and his team at the 5th Middle East Pre-Moot in Amman, Jordan.

US Commerce Department’s Commercial Law Development Programme (CLDP) hosted this training of 10 teams from 8 Middle East countries at the University of Jordan in collaboration with UNCITRAL and ICC. Also, on 2 April, the P5+1-and Iran Framework Agreement was announced with hopes of expanded opportunities for these pioneering Iranian Vis ambassadors, for their already-selected 23rd Vis Moot team of 5 gals and 1 guy (who qualify for ArbitralWomen payment of the Vis registration fee) and for dispute resolution in the Middle East.

To paraphrase The Beatles, this 1st Iran Vis Moot team’s “long and winding road” to Vis’ extraordinary education was “with a little help from my friends” in the international arbitral community as highlighted below.

The December 2013 Iran team’s birth came from their reading of Margaret Moses ‘The Principles and Practice of International Commercial Arbitration’ and its Eric Bergsten preface on Vis Moot education.

Coach Ray’s serendipitous 21st Vis Moot chat with Iranian attorney, Encyeh Sadr, about 1st Iran 22nd Vis Moot team led to his coaching and to ICDR’s Chris Alberti (and NYU’s Vis coach) “consulting” that provided not only online written and oral advocacy training but also online oral advocacy practice with Chris’ NYU and his wife Giovanna’s Harvard Vis moot teams.

After Coach Ray’s OGEMID plea for support, ArbitralWomen co-founder and Vis Moot East Director, Louise Barrington, correctly prophesied that the first Iran Vis team would “*have a large stone to roll up a steep hill, but will find enthusiastic technical (and hopefully, financial) support in the arbitration community ...*”, and Hew Dundas provided guidance based on his past coaching of several first-time Vis teams. In addition to online practice rounds, pre-moots at The Hague and Belgrade and friendly practice rounds at Zagreb and Vienna, *enthusiastic technical support* was provided from Austria (Andreas Reiner), Australia (Jeff Waincymer, Lisa Spagnolo), Canada (Anthony Daimsis), Germany (Klaus Peter Berger, Lisa Reiser, Uni-Humboldt), Hong Kong (Navin Ahuja), Sweden (Patricia Shaughnessy), Switzerland (Ingeborg Schwenzer), UK (Sophie Nappert, Silke Kumpf) and USA (Vikki Rogers, Jack Graves, Margaret Moses, Patrick McFadden, Ron Brand, Harry Flechtner, Catherine Rogers).



Thoughts on the Vis by ArbitralWomen Members

The Vis Phenomenon, by Karen Mills



*Karen Mills (Indonesia, USA), Founding Member,
Karim Syah Law Firm, Jakarta, AW Board member*

There was no Vis, nor anything like it, when I went to law school. Practical experience would come only once we had already graduated, having had to decide what to do before having any idea what we were getting into. I was fortunate to have been able to intern with New York's Legal Aid office, so I did get some street level experience. But most graduating young lawyers would have to apprentice for years before even assisting in an international commercial dispute.

The Vis, and other moots such as the Jessup, give law students the most exciting and useful education possible. Few lawyers, even after years of practice, have the opportunity to argue a case before an international tribunal of leading arbitrators. Vis students can do this several times while still undergoing their studies. And the experience gives them a very solid basis on which to plan their future careers. They learn their strengths and weaknesses, as well as their preferences, and it can give them tremendous self-confidence.

For law students in a civil law country such as Indonesia, the Vis exercise provides exposure to common law procedures, something which they may not have access to learn otherwise. Case analysis and following of precedent is not a feature of the civil law. Even civil law court procedures differ from those of international

arbitration. In Indonesia litigation is pursued almost entirely upon documents, with little or no oral argument or cross-examination. So our students must learn new methods and work even harder than their colleagues from common law jurisdictions. But the rewards are great as the participants become familiar both with different legal systems and with their counterparts from all over the world, sometimes making lifelong friendships that will serve them as they travel their different career paths.

I first became familiar with, and involved in, the Vis when Louise Barrington established the Vis East in Hong Kong about twelve years ago, with 14 teams. At her request I went up to Hong Kong and sat in quite a few contests, continuing to come each year I was able and finally, a few years ago, judging the finals. This year, it has grown to 107 teams. I chaired a couple of semi-final arguments, juggling Vis sessions with speaking at the CI Arb Centenary.

Meanwhile, back in Jakarta I have been coaching teams from some or all of three universities for about 10 years. I am more and more impressed every year by the dedication and hard work put in by these students, by the intensity of their enquiries and the quality of their arguments. And I have been intrigued by the fact that most of the teams are comprised predominantly of women, culminating in the University of Indonesia's all-woman team this year, the team supported by ArbitralWomen's President's Award.

I often have to remind myself that these are young students, not experienced counsel. And even more surprisingly, the Indonesian system does not include undergraduate colleges. Students go directly from High School into Law School, so many of these young prospective lawyers are only a couple of years out of high school. And yet they are performing roles that lawyers many years their senior, in both age and experience, have not yet been fortunate enough to enjoy.

I can only urge anyone who has not participated in either the Vis Vienna or the Vis East to make every effort to do so. It is a rewarding experience for all arbitrators and our participation contributes greatly to the education and excellence of the future generation of arbitration practitioners.



Reflections on the Vis Moots Through the Years, by Petra Butler



Petra Butler, Professor at University of Wellington

Normally, the number 13 is not considered a lucky number. I, on the other hand, consider myself fortunate that this year was my 13th consecutive year at the Vis Moot in Vienna. Every year has been an amazing experience and every year has been different. The last

thirteen years are not only marked by enormous technological developments but also a personal journey. In regard to the former: thirteen years ago I survived Vienna without a cell phone and additional research had to be done in the internet cafe around the corner, every visit a passive smoking extravaganza. With the technological advances have come more comprehensively researched memoranda and the ability to have online practice moots- overall enhancing the standard of memoranda and pleadings. In regard to the latter: I started my journey thirteen years ago as a coach with three children aged between one and four years. I had never mooted myself and I had little to no knowledge of international arbitration and just knew a bit more about the CISG. However, the Moot was an inspiring force: meeting Moot enthusiasts, being able to talk to practitioners, fellow academics, seeing the enthusiasm in young students gave me year after year the kick to not only bring the Vis Moot spirit back to New Zealand (a country not known to be a CISG or international arbitration stronghold) but also to research, to teach and to publish in the area of international commercial contracts.

Thirteen years after my first trip to Vienna my daughter now accompanies me and has her views on the problem, I try to make a wider contribution to the Moot by helping to write the problem and by sharing my coaching experience. I am grateful to all my fellow Vis Mooters who have made that journey possible and allow me to be part of a supportive community- my tickets to next year's moot are booked already".

"An Outstanding Experience", by Simone Lamont-Black



Dr. Simone Lamont-Black, Lecturer in International Trade Law, University of Edinburgh

The Willem Vis Moot is a great experience whether as an arbitrator or as a coach. I am very grateful to having been introduced to this opportunity by ArbitralWomen. The introduction to the Vis was via the Vis East and ArbitralWomen asking for support for arbitrators and for marking. This was in 2007 and it took me to change jobs and Universities to implement the Moot into my teaching. We now run a course around participation in the Vis Moot as part of the LLM at Edinburgh Law School. The Willem Vis Moot offers an outstanding opportunity for law students and is an equally exceptional experience whether as arbitrator or as coach.

Diversity at the Vis, by Carol Ludington



Carol Ludington, CPA, CFF, CLP, ACI Arb

Diversity is defined as the state of having many different forms, types, ideas, races, and cultures in a group or organisation. The Vis Moots embrace each of these facets of diversity in ways that I have not experienced anywhere else. With hundreds of teams and nearly one thousand arbitrators from all over the world participating in moot arbitration hearings and informal



meetings during the moots, this diversity provides students and arbitrators with limitless learning opportunities.

I have been fortunate to be an arbitrator at Vis Vienna for several years, have served on arbitral panels with co-arbitrators from both civil and common law countries, and have heard from students with a broad range of ideas and cultures from countries that I had not previously been aware existed. Each of these encounters has given me new perspective, new ideas, a deeper understanding of the varied views of dispute participants, and greater appreciation of the challenges that exist in effectively preparing, presenting and arbitrating disputes involving varying cultures. As a result, I am a better arbitrator and damages expert.

While the Vis experience provides its student participants with valuable experience in written and oral advocacy skills, in my view, it is the perspective and understanding gained from the Vis diversity that is the invaluable aspect of the Vis for both the students and the arbitrators.

“Once a Mootie Always a Mootie”, by Angelina Petti



*Angelina M. Petti, Senior Associate, LL.M.,
Schellenberg Wittmer*

One thing is for sure – late March in Vienna equals arbitration. Taking centre stage at this year's Vis Moot competition were the ICC rules and in particular their emergency arbitration provisions. Students flooded into the city eager to put their hard work into action. Their preparedness and the quality of their pleadings were impressive. I was able to sit in on a number of hearings involving students from universities across Europe and the Americas – including several teams comprised solely of female advocates.

I also attended interesting conferences such as the joint ICC YAF / YAAG event and ICDR Y&I coffeehouse debate which gave plenty of opportunities to meet with practitioners from across the globe and exchange views on rising issues facing our field of practice. Having first visited Vienna almost ten years ago in order to participate as a student of the Vis Moot, it is always a pleasure to go back and an exciting time of year to be a practitioner of arbitration”

Other Thoughts on the Vis

Reflections from one of the organisers of Vis East, by Alix Povey



*Alix Povey, Director of Administration
for the Vis East Moot*

It has been said that organising the moot is akin to giving birth and I am quite inclined to agree. The blood sweat and tears certainly would attest to this, especially when it comes to arranging the schedule for each round of hearings! The Vis East Moot fosters a family which keeps growing and each year we get to welcome back old faces as well as welcoming the new. The current team who work on Vis East have been together since Year 7 and each member is such an invaluable team player, without whom it would not work so well. Most importantly Maricel Somerville whose strength, organisational skills and warmth know no bounds.

Last year we were delighted to welcome our first all-women's teams from Afghanistan. This year they returned as advisors to three new teams from Afghanistan, inspiring the new mooties with their observations, experiences and knowledge gained from mootings in an international setting.



After last year's efforts with the immigration department - who by herculean efforts managed to produce a visa for them all in a matter of three days! - we were much more prepared and welcomed them with the support of key government officials.

It is a huge privilege to work on this project under Louise's tireless leadership and to know we are helping to shape the next generation in arbitration. The satisfaction and joy gained from nurturing the growth of arbitration in areas that, without the Vis and the Capacity Building project would not be possible, surmounts the numerous sleepless nights and is an experience I would not like to be without. I look forward to many more years of watching our family grow!

A Majority of Women: My Experience at the Vis Moot, by Sarah Kimberly Hughes



Sarah Kimberly Hughes, LL.M., Foreign Associate at Gleiss Lutz

As became immediately apparent during the opening ceremonies, the Vis Moot in Vienna gets bigger every year. It was therefore gratifying to see so many women – Mooties, coaches, and arbitrators (as well as one of the organisers) – among the teaming masses that filled the Konzerthaus as well as the halls of the Juridicum and other venues throughout the week. While the Vis Moot celebrates diversity across cultures, nationalities, and legal backgrounds, it was clear this year that it also supports and promotes (certainly with the help of ArbitralWomen) diversity across gender.

I enjoyed serving as an arbitrator on two different panels where my co-arbitrators were well prepared and insightful. Perhaps most satisfying, however, was the number of female participants.

In my first hearing, three of the four oralists were women, and all performed admirably. Although all four oralists were men in my second hearing, all three arbitrators were women – a fact that both surprised and pleased all three of us. My experience at the Vis Moot reflects what I hope is a growing trend in international arbitration: the participation of more women at all levels, and especially as arbitrators.

All-Women Tribunals, by Petya Ilieva

It is widely recognised that the Willem C Vis Moot has become strikingly competitive in the last couple of years. The reasons for the continuous levelling up of the competition are many – growing popularity of the Vis Moot, greater interest in international dispute resolution, proliferation of the ‘moot culture’ in civil law countries, and, maybe above all, the spread of summer schools and pre-moots preparing students (and arbitrators) for the week in Vienna.

When the competition is so fierce every score matters. As such the bearing of the arbitrators on the hearing's outcome has become ever so greater. That is why what distinguishes the very good from the excellent teams in Vienna is the mastering the skill of ‘managing the tribunal’ and ‘reading the arbitrators’. Coaches try their best to make the teams ready for encountering different types of tribunals. As Dr Paolo Vargiu rightly puts it in a recent post on Investment Blawg: “...part of the coaches’ job is to prepare the student for the different types of arbitrators – the silent one, the one who can’t stop asking questions, the one with a civil law background, the one with a common law background...” (<http://www.investmentblawg.com/march-madness-vis-moot/>).

There were a number of all-women tribunals. I dare say it was even better experience to an extent, since we were whole-heartedly congratulated by the coaches for the sound and professional feedback we provided to the students at the end of the hearing. This was a feedback stripped of entertainment expectations and requirements.



Pre-Moots

The Vis Moots are preceded by a number of ‘pre-moots’ which serve as practices for the Vis and also as significant competitions in their own right. A round up of the various pre-moots across the world follows:

Leveraging Technology to Enable Global Access: The Pace IICL Global Online Vis Pre-Moot, by Vikki Rogers, ArbitralWomen Member



Vikki Rogers, Director Institute of International Commercial Law, Pace Law School, AW member

For over two decades, the Pace Law School Institute of International Commercial Law (“IICL”) has played an instrumental role in the evolution of international commercial law and international arbitration by founding the Vis Moot, creating the award-winning CISG Database (and its off-shoots including the CISG Advisory Council and CISG Translation Network), developing cutting-edge online training programmes in international sales law and ADR, and participating as an expert NGO at UNCITRAL for the creation of legal instruments to support online dispute resolution (“ODR”) systems for cross-border e-commerce trade. Most recently, as the current Director of the IICL, I’ve also had the privilege to organise and launch the Annual IICL Global Online Vis Pre-Moot– which attracted 79 teams from 30 countries this year.

The cornerstone to all of IICL’s programmes is ACCESS - access to top-rate legal training, legal information and a global network. We have all heard the expression “knowledge is power”. Although true, the expression assumes that there is equal access to knowledge.

Recognizing that there are gaps to access, I expanded the IICL’s “access portfolio” to include the Online Pre-Moot.

I first became aware of the Vis Moot and IICL when I participated in the 5th Vis Moot as a second-year law student at Pace. I visited the IICL on a daily basis, borrowing the CISG commentaries from Professor Albert Kritzer (the founder of the CISG Database) and learning about his efforts to merge an international network of knowledge on international sales law into a single online database. This was a radically innovative project given that the world-wide-web had only emerged a couple years prior. Built on the philosophy that universally-free access to legal information contributes to peaceful cooperation among trading partners and countries, Professor Kritzer successfully harnessed a legal community online via the CISG Database. His work is a testament to the benefits of incorporating technology to promote the rule of law.

Since I participated in the Vis as a student, and similar to many other “mooties,” I have attended nearly every moot in Vienna. Over the years, I have watched the Vis Moot grow into a premier international student and professional event. Perhaps more interesting, however, is the cottage industry of pre-moots and conferences that have spawned around the Vis Moot. Among other benefits, it has raised the level of competition (and therefore legal understanding of the subject matters) significantly. Over the years I have also noticed, and heard about, gaps in legal understanding and advocacy skills between those teams that have access to pre-moots and other in-person trainings, and those that are relatively isolated (if for no other reason than geography). Given my work on the IICL’s online certificate programmes, I knew we could close the gap to access by utilizing technology tools. Given my work with Professor Kritzer, I also appreciated the value of endeavour.

This past year, for one week in February, the IICL ran the Online Pre-Moot. It included 79 teams from 30 countries and we sought to provide each team with 2-4 practice sessions during the week (some opted for less, others asked for more). It included teams that would be competing in Vienna and Hong Kong.



We ran multiple simultaneous virtual hearing rooms for 10-hours a day, each day (to accommodate the multiple time zones). We also hosted an online keynote lecture. Last year – our inaugural year – the lecture was delivered by Gary Born (Wilmer Cutler Pickering Hale and Dorr). This year it was delivered by José Ricardo Feris from the ICC. This year the programme was also sponsored by JAMS, Noble Americas, Herbert Smith Freehills, Wolters Kluwer, Altamimi & Co., and Amed Marzona & Sediva. To increase arbitrator participation, we also solicited the support of the arbitration groups for “young” arbitration practitioners, including ICDR Young & International, Young ICCA, ICC Young Arbitrators Forum and Association Arbitri. Finally, the students of the Pace International Law Review – about 20 students – participated to host each practice round.



Online pre-moot organised by Professor Vikki Rogers: both teams and the arbitrators communicated and saw each other through the platform.

Somewhat surprisingly, the biggest challenge in the event had nothing to do with the technology. Rather, it was making sure everybody was on the platform at their assigned hearing time, *i.e.*, making sure teams and arbitrators properly converted New York time to local time. Outside of this challenge and other small kinks along the way regarding scheduling and last minute arbitrator substitutions, the benefits outweighed any of the set-backs. Putting aside the student benefits for a moment, the Online Pre-Moot is valuable in-and-of-itself because it exposes practitioners and arbitrators to an ODR experience that they are not otherwise exposed. There are (mis-)conceptions about ODR that more or less evaporate when lawyers actually engage “online.”

As for the students, the online event does provide access to Vis training – on the law and advocacy skills – during the event, but it has also opened doors to students to continue their training on the same platform after the event. I have been told that several teams acquired online accounts after the event and continued online mooting with teams from around the world. This approach will no doubt impact on training programmes in the future.

I also recall, during the Online Pre-Moot, waiting with bated breath on one or two occasions to see if certain teams would actually appear given the significant internal political turmoil that was occurring in their country at the same time their online session was scheduled. I was awed and humbled when they did appear, fully prepared. It reinforced the value of being online. While in Vienna, I also recall one evening at the Moot club, where I was speaking with about six students that came to Vienna from every corner of the globe. Not unusual at the Vis Moot, but the one commonality was that we all had “met” before – online.

The Online Pre-Moot has widened access and given another means for the global trading community to benefit from the Vis Moot. We look forward to next year’s moot.

Participating as a Mock Arbitrator for the Vis Practice Rounds, by Lorraine Brennan, ArbitralWomen Executive Board Member



Lorraine Brennan (New York, USA), JAMS arbitrator & mediator, AW Board member

As I have done on many occasions, I participated as a Mock Arbitrator in several of the competitions that were held in New York in preparation for the Vis Moots in Hong Kong and Vienna. The first mock I participated in was held at the New York City Bar, followed by an ICC



organised competition, the annual Cravath pre-moot, and finally the Fordham Pre-Moot at Fordham Law School. All totalled I mooted over 14 times in real time and 4 teams in the online competition organised by Vikki Rogers through the auspices of Pace University. I also got a few requests for private online coaching sessions which I agreed to.

A few observations. It was gratifying to see the number of young women who participated in the Mock rounds. There were several occasions where I had only women as claimant and respondent. Two women per team- not something I would have seen 10 years ago. Furthermore, there were many women serving as Mock Arbitrators, and, with the exception of one round, I was always invited to be the President of the Tribunal (ICC Rules). I had several tribunals where two of the three arbitrators were women, again, a new and encouraging development.

I saw schools as diverse as Sao Paolo, Jagiellonian University, Vienna I, and International University of Mitsu (Belarus) as well as many U.S. Schools such as Yale, Pace, Fordham, Rutgers, Cardozo, University of Miami, San Diego, NYU, Northwestern, and Dickinson School of Law at Penn State. Each and every time and I was impressed by the level of dedication and commitment of the students and their coaches, and came away feeling that these young people are the future of international arbitration and it was so gratifying to see the diversity in the rooms and on the panels.



Students coming from different horizons with their coaches and arbitrators who heard their arguments at the yearly pre-moot at Cravath, Swaine and Moore LLP in New York (photo kindly provided by Lorraine Brennan, JAMS mediator and arbitrator, and AW Board member)

The competition has come a long way since 1997 when I started participating, and I have no doubt that it will continue to grow and evolve until it is truly representative of the diverse world in which we live. I am proud that ArbitralWomen has played such a big role in encouraging the participation of young women, and I for one will continue to do my part by encouraging as many young women and students of colour to become a part of this amazing event.

Reflections on the ICC Pre-Moot, by Rachael O'Grady, ArbitralWomen Member

As an arbitrator on two panels during the ICC's Pre-Vis Moot in Paris, shortly before the main event the following week, I was pleasantly surprised to find that three out of the four speaking teams that came before me and my fellow arbitrators were entirely female (the Universidad Nacional de Asunción, the University of New South Wales or 'UNSW', and the University of Law). The fourth team (University of Helsinki) had one female and one male participant. Whether this was representative of the overall gender participation ratio, I do not know, but what is certain is the high standard across all teams – and all genders – that seems to be consistently rolled out in these pre-moots.

Having never actually been able to attend the 'real thing' in Vienna myself (something that I hope to rectify next year), such pre-moots provide a wonderful insight into the competition and an opportunity for participants to put their arguments to the test, before 'real' mock tribunals and opposite real competitors. From a moot arbitrator's perspective, all the teams that I have seen – this year and in previous ones – never fail to astound me with the level of preparation that has clearly been invested even for these practice rounds. The range of speaking and presentation styles also always impresses; this year in particular, from the cool yet powerfully convincing UNSW, to the passionate and persuasive University of Helsinki, to the matter-of fact, crystal clear tones of the Universidad de Asunción, whose strength of argument *almost* had me convinced that the respondent had a case on the merits. For me, however, and as is so often demonstrated in 'real-life' hearings, the key to a winning team – in terms of advocacy at least – is the one that knows its facts and documents like the back of its hand.



It is not only the students who should feel fortunate to be able to exploit such high-quality pre-moots – for the moot arbitrators, also, they provide a good excuse to study and embrace the problem early and to expose themselves to the issues that will be argued before them. A good familiarity with the case at hand inevitably lends itself to being able to provide better feedback to participants. I would encourage all ArbitralWomen members to volunteer as moot arbitrators if the opportunity arises – not just for Vienna but also for the many pre-moots that take place across Europe and beyond. Your motive need not be entirely altruistic – I know, from my experience at least, that I get just as much out of it as the students do, if not more.

The 5th Annual Vis Middle East Pre-Moot in Amman (Jordan), by Lucy Greenwood, ArbitralWomen Board Member

In 2011, the Bahrain Chamber for Dispute Resolution (BCDR-AAA), in coordination with the Commercial Law Development Programme (CLDP) of the US Department of Commerce, along with other international resource partners, established a Vis Pre-Moot Programme. The Pre-Moot Programme aims to increase the capacity of litigation lawyers and arbitrators in the Middle East, through participation in Vis. Through the Pre-Moot Programme, BCDR-AAA and CLDP cooperates with key regional academic institutions to develop a cadre of legal experts able to resolve commercial disputes within international best practices. Alumni of the programme become champions of international commercial arbitration and work closely with US and Middle East firms, businesses, and partners to strengthen economic ties and cooperation. Former regional participation includes teams from Iraq, Kuwait, Afghanistan, Bahrain, Egypt, Tunisia, Oman, UAE, Qatar, and Jordan, and Saudi Arabia.

The Pre-Moot Programme aims to create a sustainable Vis Moot programme with each academic institution it works with. The Pre-Moot Programme consists of three-phases, which includes comprehensive training on legal research and analysis, memoranda writing, oral

advocacy skills, international commercial law instruments, international sales contracts, and arbitration. Through this programme, university faculty members and former Vis students from the region, gain the tools and knowledge to train students and design curriculum emphasizing international commercial law and arbitration. The Pre-Moot took place from 3rd-7th March 2015 with the following countries participating: Bahrain, Jordan, Tunisia, Iraq, Saudi Arabia, Kuwait, Oman, Qatar, Afghanistan and Iran.



L-R: Ohoud Mosly, Jude Jamjoom, Dara Sahab, Professor Ronald Brand (University of Pittsburgh School of Law and Director of the Center for International Legal Education, Professor Brand is one of the creators and longstanding partner of the Middle-Eastern Vis Pre-Moot) Mohra Ferak, Nouran Almekhlafi, and Maryam Aldabbagh. Dar Al-Hekma University (Jeddah, Saudi Arabia) receiving an award on 7 March 2015 at the Middle East Pre-Moot in Amman (Jordan).

An all-woman team from Saudi Arabia won four awards out of a total of five in the whole competition as follows; Championship team, Best Claimant Memorandum, Best Respondent Memorandum, and Best Oralist for Respondent (awarded to Maryam Aldabbagh). The team from Dar Alhekma University, was coached by Dara Sahab, previous Vis moot participant and Dar Alhekma University alumna, under the administration of the Chair of the Law Department at Dar Alhekma University, Dr Olga Nartova.



Empowering Women in Arbitration in the Middle East, by Sadaff Habib



Sadaff Habib, Associate with Fenwick Elliott Middle East

This year the Middle East Vis Pre- Moot saw a significant increase in the number of female participants in comparison to previous years. There were women on all the teams except for the team from Iran. The winning team was an all-female team from an all-woman university, which has won the Middle East Vis Pre-Moot three times out of the five years it has been running. It is positively inspiring to see women participating from the Middle East region and particularly certain countries such as Saudi Arabia, Afghanistan and Iraq which are usually in a negative limelight when it comes to the progress of women.

This year two women from Dubai, Ms Mercedes Torres Lagarde and Ms Korinna von Trotha acted as arbitrators in the Middle East Vis Pre-Moot. Ms Lagarde, a case manager with the Dubai International Arbitration Centre shares her experience. "This was the first time I participated in the Vis Pre-Moot. I arbitrated two hearings where in one there was an all-women team from Tunisia and in the other the Kuwait team also had a woman participating. Considering the region, I was expecting more men but was happy to see many women participating. The performance of the women was sometimes better. I was also impressed to see that the women participants were not submissive, shy or uncomfortable. I was pretty impressed with the Saudi team. The girls were really good and understood well what was asked by the tribunal."

Mr Bjorn Gehle, Dubai based partner in Pinsent Masons LLP who has been arbitrating at the Middle East Vis Pre-Moot for three years commented, "The participation of women in the Vis Pre-Moot has definitely increased over the years. It was wonderful to see the enthusiasm of the Saudi women team."

Often and particularly in the Middle East region, it is difficult for young practitioners to gain hands on arbitration experience. The Middle East Vis Pre-Moot is important in enabling young practitioners overall and especially women to gain practical arbitration experience. Ms Aysha Mutaywea acting senior case manager of the Bahrain Chamber for Dispute Resolution, organiser and arbitrator for five years of the Middle East Vis Pre-Moot puts it very well "Women coming into practice are very qualified. All they need is to get their foot in the door. The Middle East Vis Pre-Moot provides a great platform for learning for arbitrators and participants alike. It is a good first step to be exposed to arbitration and to get to know your peers."

The Middle East Vis Pre-Moot is proving to be a valuable tool for women in providing a platform for developing and discovering their skills either as a participant or as an arbitrator. Considering the progress, it is hoped that this will have a positive impact on young women in arbitration continues.

Other Major Moots

In this special edition, we also highlight other major moots below.

The ICC Investment Pre-Moot, by Delphine Wietek



Delphine Wietek, Deputy Counsel at the ICC Court

For the first time this year, the ICC Investment Pre-Moot served as the national round for French universities, thus, increasing the challenge of the competition. All teams were extremely satisfied by their experience and very good feedback was received from the participating



arbitrators. The Pre-Moot provided a great opportunity for the teams to be prepared for the oral rounds of the Frankfurt Investment Moot as well as to network and to meet experienced investment treaty specialists.

This year's second edition of the ICC Investment Pre-Moot comprised an Organising Committee made up of three women and one man. In selecting arbitrators participating to the Pre-Moot, our goal was to ensure diversity and, approximately 40% of the arbitrators acting in the preliminary rounds were female arbitrators. It is interesting to note that most participating teams were equally composed of males and females. As such, the next generation of young and youngest legal practitioners in the field of investment arbitration seems very promising as to its diversity.

The 8th Frankfurt Investment Arbitration Moot Court, by Anke Meier, ArbitralWomen member



Dr Anke Meier, Partner, Noerr LLP

From 10th to 13th March 2015, the 8th Frankfurt Investment Arbitration Moot Court took place in Frankfurt am Main, Germany. More than 50 teams from 21 different States registered for the competition. Eventually, 29 teams came to the final rounds in Frankfurt am Main, Germany to compete in several rounds of hearings. Prior to the Frankfurt moot, pre-moots were hosted in Kiev (by Engarde Attorneys, in Mumbai (by DSK Legal), in Paris (by the ICC) and in Washington, DC (by McDermott Will & Emery). The pre-moots in Mumbai and Paris served as national rounds for India and France where the number of registering teams was so high that a qualification round became necessary.

For the first time in the history of the competition, both the final and the semi-finals were dominated by Asian



Final of the Frankfurt Investment Arbitration Moot on 13 March 2015 before the arbitral tribunal composed of (L-R) Rudolf Dolzer, Teresa Cheng and Christopher Lau. Sabine Konrad (standing and talking in the microphone).

teams. In the final on 13th March 2015, Jindal Global Law School from India prevailed over Singapore Management University. **Teresa Cheng, Rudolf Dolzer and Christopher Lau** served as arbitrators in the final. Asked about her perception of the Frankfurt Investment Arbitration Moot Court, Cheng said: *"It is a worthwhile event. The question has been very well put together. I am also impressed by the enthusiasm of the students, the clarity of their submissions and the knowledge of the students in the area."* National Law University Delhi and National University of Singapore were the other semi-finalists, underscoring this year's excellence of the Asian teams.

The members of the winning team, Jindal Global Law School, all received scholarships for a three-week placement at The Hague Academy of International Law. Mallika Singh (22) from Jindal Global Law School won the prize for the best advocate, a McDermott Will & Emery Scholarship for an LL.M. in International and Comparative Dispute Settlement at Queen Mary School of International Arbitration, London. A prize of EUR 1,500 went to the best regional teams: Jindal Global Law School for the Asia group, Eugene Dupuch Law School for the Latin America/Caribbean group and Lomonosov Moscow State University for the Eastern European group.

The Frankfurt Investment Arbitration Moot Court is co-organised by **Sabine Konrad** of McDermott Will & Emery Rechtsanwälte Steuerberater LLP in Frankfurt and Rainer Hofmann, professor of public international law at the University of Frankfurt. Traditionally, in each year, the case study is tailored around historic events. This year, the teams had to deal with complex investment law



questions in the background of the Portuguese Bank Note Case, the biggest fraud in the Portuguese history leading to litigation in the High Court of London and before the House of Lords.

The DCFR International Arbitration Moot in Warsaw, by Luljeta Plakolli

The DCFR International Arbitration Moot in Warsaw, organised by the Polish Chamber of Commerce and the European Legal Studies Institute, first took place in 2012. In this inaugural competition the University of Pristina team which was composed entirely of female law students, was ranked fourth, and received the "Best Oralist" Award: Ms Besa Gashi, Ms Mrika Gashi, Ms Arbresha Zogjani (Best Oralist Award) and Ms Flaka Braha. They were coached by Ms Anjeza Gojani, Secretary Permanent of the Kosovo Permanent Tribunal of Arbitration/Kosovo Chamber of Commerce and Ms Luljeta Plakolli-Kasumi, Teaching Assistant and Lecturer, Faculty of Law/University of Prishtina.

The next DCFR moot took place in December 2014, the University of Pristina was again among the 8 finalists for participation in oral hearings, and the team was composed of three members, including two women. The team members were: Ms Vjosa Pllana, Mr Arnis Dumani and Ms Kaltrina Lokaj, coached by Ms Kujtesa Nezaj-Shehu.



University of Prishtina, L-R: Anjeze Gojani (co-coach from the Kosovo Permanent Tribunal of Arbitration/former VIS participant, herself coached in 2008 by Luljeta Plakolli-Kasumi), Mrika Gashi, Luljeta Plakolli-Kasumi (co-coach from University of Prishtina/former VIS participant and coach), Arbresha Zogjani (winner of the "Best Oralist" Award), Besa Gashi, Gramos Sfishta, Flaka Braha

The University of Zurich Moot Court, by Monika McQuillen, ArbitralWomen Member



Monika McQuillen, Attorney at Law, LL.M., Mediator SBA, Partner

The Moot Court of the University of Zurich, Switzerland started in 2006 and has become an established annual event offering advanced law students from the University of Zurich a great opportunity to get a first taste of advocacy under the guidance of experienced arbitration practitioners. The best team qualifies to participate at the Vis Moot in Vienna. After an exchange of written briefs, the Moot Court finishes with hearings by three-arbitrator-tribunals arbitration practitioners. In 2015 there were 8 teams of four students each (three claimants, one respondent). The case is governed by Swiss civil law and the Swiss procedural rules of arbitration apply. The students exchange written statements of claim and of response before the hearing. The Zurich Moot Court provides a valuable occasion to make new contacts for both students and lawyers.

Conference Reports

The YAF/YAAF "Young Approaches to Arbitration" Conference, by Alina Leoveanu, ArbitralWomen Member

On 28 March 2015, the ICC Young Arbitrators Forum (YAF) and the Young Austrian Arbitration Practitioners (YAAP) hosted their annual joint conference "Young Approaches to Arbitration" as part of Vis Vienna. Participants of the conference were warmly welcomed at the University of Vienna by **Maximilian Burger-Scheidlin** (ICC Austria), **Alina Leoveanu** (ICC YAF) and **Markus Schifferl** (YAAP).



*Alina Leoveanu, Deputy Counsel at the ICC and
Head of ICC YAF Europe and Russia Chapter*

The keynote address was given by **Wendy Miles QC**, global head of arbitration at Boies, Schiller & Flexner. Ms Miles spoke mainly about the role and importance of young arbitration practitioners and emphasised that discussions about the future of arbitration must include those who will still be around when that time comes. Her speech gave ample food for thought to all present (A full report of the speech appears below).

Subsequent presentations given by **Filip Boras** (Baker McKenzie, Vienna), **Ziad Obeid** (Obeid Law Firm, Beirut), **Mélanie Riofrío Piché** (Armesto & Asociados, Madrid) tackled the issue of whether the standard for arbitrator's independence and impartiality is getting stricter, and **Christopher Boog** (Schellenberg Wittmer, Zurich) moderated the panel discussion that followed. The general consensus of the panel and the audience seemed to be that while the rules regarding arbitrator independence and impartiality are indeed getting stricter in some ways, for instance with regard to disclosure of potential conflicts of interest, there are other areas in which they could be more stringent. The need to reveal repeat appointments as arbitrator over a period longer than three years was given as an example.

After lunch, the time came for the innovative part of the conference. Prior to the event, the ICC YAF and the YAAP distributed a "call for ideas": potential conference attendees were invited to send previously unpublished submissions exploring novel ideas on international arbitration. Members of the Secretariat of the ICC Court, ICC YAF Regional Coordinators' Committees and YAAP Coordinating Committee reviewed submissions on an anonymous basis for their scientific value and selected the best and most novel ideas. Four papers were chosen and their authors were given the chance to present them at the conference.

The young arbitration practitioners, whose papers were selected, showed that outside-of-the-box thinking may lead to surprisingly simple solutions to seemingly complicated issues. **Yoanna Schuch**, associate at Platte Rae in Vienna, spoke about the arbitral tribunal's quest for truth and the challenges posed by a non-participating party and non-convincing or plainly wrong parties' pleadings. **Ezequiel Vetulli**, associate at PAGBAM in Buenos Aires, presented a refreshingly straight-forward solution to the issue of (perceived) bias of party-appointed arbitrators by proposing a dual nomination: first, each party proposes three arbitrators, and then a party chooses one arbitrator from the other party's three proposals. **Aisha Ali Al-Bualy**, an Omani lawyer at Trowers and Hamlins, shared her view on certain loopholes in the New York Convention and argued that provisions on the awards set aside and public policy as grounds for denial of recognition and enforcement should be amended. Lastly, **Sachin Trikha**, a senior associate at Clifford Chance LLP in London, showed how the problem of procedural non-compliance during arbitration proceedings could effectively be dealt with by applying a civil procedure principle taken from the 2014 *Mitchell v News Group Newspapers Ltd* decision of the Court of Appeal in England. The panel was moderated by **Andrea Carlevaris** (Secretary General, ICC Court, Paris).



Andrea Carlevaris (centre), Secretary General of the ICC Court

The last panel of the conference dealt with the topic of interim measures and emergency arbitration proceedings. **Alexander Fessas** (ICC Court, Paris), **Catherine Kunz** (Skadden Arps, London) and **Shaparak Saleh** (Freshfields, Paris) presented real life cases to show the need for and usefulness of such interim relief.



The ensuing discussion was moderated by **Rafal Morek** (K&L Gates, Warsaw). The main focus laid on the country-by-country differences with regard to the arbitrators' power (or lack thereof) to order sanctions in addition to interim measures and the issue of their enforcement.

The conference closed with remarks from **Christof Strasser** (ICC YAF; 42Law, Vienna) and **Eliane Fischer** (YAAP).

Special Report on Wendy Miles' keynote speech at the YAF/YAPP conference in Vienna: "The Role of Young Arbitrators in the Rule of Law", by Ileana Smeureanu, ArbitralWomen Board Member



Dr Ileana Smeureanu, Associate Global Disputes, Jones Day, AW Board member

This year, **Wendy Miles QC** (ArbitralWomen member) delivered the keynote speech at the YAF/YAPP Annual Conference on the second day of the Vis Moot. Attuned to the audience, the speech began with a note of encouragement and ended on a counterpoint of responsibility: though the future belongs to the young arbitrators, they are entrusted with nothing less than the future of the rule of law.



Wendy J. Miles QC, Partner, Boies, Schiller & Flexner LLP, London, AW member

Following a prelude that traced the origins of the rule of law, from the Magna Carta of 1215 to various human rights instruments adopted over the centuries, Miles explored how international arbitration has fostered and spread the rule of law.

Miles set the tone by quoting Lord Bingham's definition of the rule of law, which distinguishes between thin and thick understandings of the concept. According to Lord Bingham, the "thin" sense, refers to "conduct that is in compliance with the letter of the law". In this understanding, the rule of law is meant to lie at the heart of sustainable, long-term growth, protect private ownership, create an investment-friendly climate, and ultimately protect the orderly resolution of disputes. In this context, Miles observed that "international arbitration, properly resorted to and fairly conducted has a supremely important contribution to make to the rule of law". As such, through arbitration the rule of law can spread from the prominent arbitral seats like London, New York, Hong Kong, Singapore, Paris and Vienna to emerging markets in Africa, Asia, and Latin America, whose importance in international arbitration is currently increasing. The limits of the "thin" sense of the rule of law can be seen in countries where irregularities are cloaked in an appearance of legality, and where the rule of law is observed superficially but not in substance. For these situations, Lord Bingham and Miles turn to the "thick" sense of the rule of law, that is, the content of the rule of law as well as the machinery used to administer it.

Following two other distinguished legal minds of our time, Lord Neuberger, the President of the UK Supreme Court, and Geoffrey Ma, the Chief Justice of the Hong Kong Court of Final Appeal, Miles insisted that international arbitration is an example of the "machinery" needed to implement the rule of law. However, she warned that in order for arbitration to serve as an effective mechanism for administering the rule of law, the arbitration community must be aware of its effects and must constantly strive to improve. As Lord Neuberger put it, "with increased freedom and power to resolve disputes through arbitration comes an increased responsibility". Miles took Lord Neuberger's call one step further by insisting that arbitration is a trustworthy and effective system of administering the rule of law, which should be nurtured and maintained.



Preserving such an effective system requires embracing the eight strands through which Lord Bingham defined the rule of law. Weaving these strands together, Miles presented their importance for international arbitration.

First, law must be “accessible, intelligible, clear and predictable”. Miles observed that this standard, applicable to both the merits and the procedure alike, raises a number of concerns in international arbitration. In the investor-State context, it triggers the criticism that the dispute resolution system lacks transparency. In the commercial arbitration setting, the differing results that arbitrators sometimes reach by interpreting the same rules may lead to a lack of predictability. Though it can provide the often-praised and sought-after flexible nature of arbitration, practitioners must be aware that it can undermine the rule of law. According to Miles, young arbitrators must rise to the challenge to explain the system to those who do not know it, preserve its integrity by abiding by the law, and to behave ethically at all times. Only in this manner can the rule of law be protected and fostered.

Second, “questions of legal rights and liability should ordinarily be resolved by application of the law and not the exercise of discretion.” Miles recalls that in some cases arbitrators have the authority to resolve disputes *ex aequo et bono* and as *amiable compositeurs*, which under the second strand may perhaps become questionable.

The third strand refers to the application of the law to all subjects alike, save where “differences justify differentiation”. Miles notes that the standard becomes questionable where foreign investors are given preferential treatment over local investors. While the difference of treatment and ISDS generally are currently on the agenda of public debates, if the system is not properly explained and understood, it may be wholly undermined, potentially affecting commercial arbitration as well.

Fourth, the law should protect human rights. Human rights issues arise not infrequently in arbitration, although they are not necessarily associated with this legal field. For example, the debate on climate change, in a broader human rights context, presents an opportunity for young arbitrators who can explain the role of, and “clear the name” of, ISDS where it has been damaged.

The fifth rule of law strand is that the law should provide means to resolve “without prohibitive cost of inordinate delay” bona fide disputes that the parties cannot themselves resolve. Miles referred in this context to the issue of costs, a delicate issue in international and frequently complex disputes. Noting the efforts that ICC made by issuing the “Report on Techniques for Controlling Time and Costs in Arbitration”, Miles concludes that the ultimate responsibility for costs rests on the counsel. Young lawyers are urged to focus on cost effective and efficient service to serve the purpose of the rule of law.

This report was also published on the Kluwer Arbitration Blog, www.kluwerarbitration.com



Wendy Miles (AW member) delivering the YAF/YAPP keynote speech, and on the panel Markus Schifferl and Alina Leoveanu



Photos from the ICC Pre-moot in Paris and from the Moot in Vienna and Hong Kong



University of Heidelberg (Heidelberg, Germany) pleading against Jagiellonian University of Krakow (Krakow, Poland). L-R: Roman Wolf and Till Meier (Germany), Aleksandra Zanoska and Marcin Kurek (Poland), heard by Alberto Echarri, Mariel Dimsey who president (AW member) and Mirèze Philippe (AW co-founder)



Griffith University (Australia), a three-women and one-man team, at the ICC pre-moot 20 March 2015. L-R: Paul Weaver, Paris Ball, Natalie King, Ebony Franzmann and Therese Wilson (coach and AW member)



University Alma Mater Rudolphina (Vienna, Austria), a six-women and two-men team at the ICC pre-moot 20 March 2015



Griffith University (Australia) composed of three women and one man pleading against University Saint Joseph (Beirut, Lebanon) composed of five women and two men, heard by Dr Guido Carducci (president), Johannes Willheim and Mirèze Philippe (co-arbitrators)



University of Pavia (Pavia, Italy), a five-women and one-man team at the ICC pre-moot 20 March 2015



Middle East Pre-Moot in Amman



L-R: Victoria Rodriguez Goyena and Maria Belen Piloni (University of Buenos Aires), Piotr Zbyszyński (arbitrator), Max Stein (president), Ileana Smeureanu (arbitrator, AWBoard member), John Jo and Sean Colenso-Semple (Yale University), at the Vienna Moot



Saudi Arabian all-women team with Rabab Yasseen in the centre (AW member) at the Vienna Moot



Pre-Moot in India



Louise Barrington presenting the panel of arbitrators at the Hong Kong Moot finals: L-R, José Ricardo Feris, Professor Ingeborg Schwenzer, Sir Vivian Ramsey



José Ricardo Feris, Deputy Secretary General ICC Court with one of the Afghanistan teams at the Hong Kong Moot



Group photo at the Hong Kong Moot with AW Board member Louise Barrington in the centre (dressed in white)



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