

VIS MOOT – LEGAL EDUCATION TOOL IN INTERNATIONAL COMMERCIAL ARBITRATION

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Abstract:

This paper aims to open a reflection on the role of the Vis Moot on international commercial arbitration in the context of improving pedagogy in legal education.

The paper identifies a number of educational benefits that derive from the practice-directed, integrative and international learning experiences inherent in the moot. Incorporating those moot activities within a coherently aligned pedagogical process improve further the quality of learning.

Vis Moot is actually a week in which participants attend the hearing of a commercial dispute governed by UN Convention on Contracts on the International Sales of Goods (CISG), which involves learning experience relevant to professional practice both for those acting as students and arbitrators. The oral arguments run fluidly from the jurisdictional issues to the substantive and have been prepared by advanced law students, selected for their oral advocacy skills.

The professionals of law find ways to transmit knowledge between generations by encouraging practical training and rewarding students.

The Vis Moot has a remarkable value for students, teachers, coaches, law schools and all those participating as arbitrators for educational opportunities and international visibility that can provide better position in the international educational network and not only. Participating in such a moot can have a transformative effect on a teacher or a law school and its approach to legal education.

Key words: *arbitration, moot, legal education, practice-learning*

1. Introduction

In the present paper, the author deals with the legal education for prospective lawyers, particularly in the context of international arbitration, briefly touching some general considerations of academic and practical training for lawyers.

The paper's subject matter is that the necessary skills for student to become an effective lawyer in advocacy field are not learned only in the classroom or lecture hall, but also along the experience of 'learning-by-doing' and 'problem based learning', especially in the international and globalization era of nowadays.

The most efficient instrument in such respect are the moot courts competitions, not because students are transformed and the continue impact over the years makes its presence felt, but also because teachers, coaches and other participants as professionals in such an event are exposed to this process and can develop innovative approaches to

teaching law and to their professional experience that can be applied in other context, as I personally experienced.

The learning process stimulated by the Vis Moot can also received an analysis from the pedagogical perspective, considering the potential learning outcomes, student activities to be improved and teaching strategies to be broaden.

2. Legal education – general considerations

Internationalization of legal education has become a priority and a necessity for many law schools around the world.¹ When one refers to legal education in the classical manner is taking into consideration mainly the transfer of knowledge from a professor to his students by methods which involve teaching in classrooms and lecture halls of learned institutions, in ambiance of formality. The measure of such knowledge acquired by students is realized through the examination system, mainly in writing or by oral tests.

That it is why the acquisition of advocacy and in general the lawyering skills and abilities are usually left to the legal profession itself, even in the student years in some systems a few hours of practice are required. In the common law systems (mostly USA) the law schools associated with universities offered courses especially for the bar examination candidates. In England, there are programs that included practical experience within barristers' chambers and in solicitors' firms, each leading to final professional examinations that ensure training for candidates to practice.

In civil law systems, typically law students acquire the necessary practical skills during the training period after graduation, when preparing for bar examinations. All the systems envisage mandatory practical training of future lawyers.

In some countries, candidates are required to complete a period of practical work experience with judges at the national courts. Other civil systems require the candidates to gain some work experience in other areas of the legal profession, depending also on possible future specialization of the candidate, such as law firms, legal departments of commercial corporations or public administrative bodies, public notary offices or other legal specialists' offices. Usually to become members of a bar, the candidates must first obtain a law degree (or a LL.M.) and pass a comprehensive entry examination. After registration is required a two-year training period to access the definitive lawyer title and to be admitted as fully qualified to the bar. Therefore, the trainee lawyer must find by himself a mentor, an experienced lawyer, to realize this practice and to be sure that he will obtain the necessary skills in order to pass the final exam of admission in the profession. In this training period, candidates also attend advocacy lessons and participate in the programs of compulsory continuing legal education (CLE) program, which is required also to fully qualified lawyers to maintain them updated with the rapidly changing legislative environment and all the theoretical aspects which develop and become more specialized.²

¹ L.D. Luca. 2000. *Symposium on Emerging Worldwide Strategies in Internationalizing Legal Education: Introduction and Overview*, Dickinson Journal of International Law, 18, p. 414; J.F. Murphy, J. Atik. 2003. *International Legal Education*, International Lawyer, 37 (2), p. 623.

² This is also the situation in Romania for any candidate to become a lawyer. See also Law no. 51/1990 regarding the organization and practice of lawyer profession, republished in 2011.

Much of the CLE can be acquire in the traditional manner, in classrooms and lecture halls, as Bars usually provide such courses. But in specialized and increasingly sophisticated commercial areas, as advocacy for dispute resolution, international arbitration, regulatory work or mergers and acquisitions, new learning techniques are necessary.

A number of academic institutions, law firms or professional bodies organize courses based on the concept 'learning-by-doing'³ or 'problem based learning'.⁴ Instead of sitting in lecture halls listening to professor or other specialists in a particular law field, or just simply reading at home text books, a 'mock case' is presented by the trainers and the participants are playing various parts as the case might be – judges, arbitrators, mediators, Claimants, Respondents, experts, internal or external counsels for one part or the other, witnesses etc. The trainers are experienced practitioners in that law field from leading specialists in the world and their role is more supportive, of guidance and coaching, as each participant is informed on the mock case before the action began and also feedback are provided afterwards to help the attendees to analyze themselves and correct what they did wrong.

3. Moots courts

Moot court is a competition during law school activity (also for LL.M. or PhD candidates) in which students participate through preparation and arguing of a specific case in front of a panel form of judges or arbitrators. Generally, the case and sometimes sides are selected previously, and students are given a specific amount of time to prepare for the oral hearings. Moot court involves appellate cases as opposed to those at the trial level, which are often called 'mock trials', which simulate lower-courts trials. Judges are usually law professors, attorneys from the community, professionals specialized in certain field of law, depending on the moot domain, and even members of the judiciary.

Depending on the law school, the process for selecting moot court members differs, in some of them students from senior years are allowed, while in others they are allowed from the first year. Moot court students research their respective sides, write memoranda and present oral arguments in hearings organized in a special place dedicated to the event, in front of a panel. The members of the panel are free to ask questions at any time during the presentation, and students should respond accordingly; therefore, a profound understanding of the facts of the case, their arguments, and their opponents' arguments is required.⁵

³ The primary goal of this theory is to foster skill development and the learning of the factual information in the context of how it will be use. See also for further details R.C. Schank, T.R. Berman, K.A. Macpherson. 1999. *Learning by Doing*. In C.M. Reigeluth ed. 1999. *Instructional-Design Theories and Models*, Vol. II, Lawrence Erlbaum Associates, Inc., Mahwah, New Jersey, p. 163 (161-182).

⁴ For details about this notion see http://en.wikipedia.org/wiki/Problem-based_learning and also <http://ldt.stanford.edu/~jeepark/jeepark+portfolio/PBL/whatis.htm>.

⁵ <http://lawschool.about.com/od/lawschoolculture/a/mootcourt.htm>; http://en.wikipedia.org/wiki/Moot_court.

Lately, special projects⁶ in the mooting have been developed to organize such moot courts and are intended to provide access to problem based learning for the advanced law students, encouraging their participation in such competitions. The students' participation in such events is desirable for their prospective career in the legal field. Students should join moot courts as legal employers, particularly large law firms, are looking for students that already participated in such events. This guarantees at some level that the prospective candidate for a job in the legal department has spent many hours perfecting the legal analytical research and writing skills that practicing attorneys need. A resume containing participation in moot court is preferred, as so the employer knows that the candidate has been learning to formulate and communicate legal arguments. Therefore, the employer do not have to invest too much time and costs in training and can use the candidate directly in practicing law, as the candidate has already spent a lot of time on these tasks in law school period. The essential skills for any attorney learned during the mooting are useful, as he become increasingly more comfortable formulating arguments and expressing them in front of judges or arbitrators and he already exercised the public speaking skills.

On a more personal level, participating in Moot Court can also provide a unique bonding experience for any student and the team and also can ensure a support system during law school. One should also consider the mobility of students between the universities from one law system to another, which influences the curricula and the pedagogical methodologies. Consequently, mooting is one of the most compelling and effective forms of learning by doing process and an advocacy skill learning tool, especially for trial advocates.

There had been an important increase in the number of national and international moot courts all over the world in the last decade.⁷ This expansion was encouraged by universities and other institutions interested to educate students in the field of law, both from common law and civil law countries, which host organization of the moots in various cities around the globe. Consequently, there are now many Moot Court competitions, covering various aspects of law including criminal, human rights, environmental, FDI⁸ and others, taking place in several different countries and languages, most of them being conducted in English.

Therefore, students have been engaged in competing teams, in the tradition of oral hearings in court proceedings, as mooting is necessarily aimed at the presentation of arguments and counter-arguments, even the presentation of evidence is not taken into consideration. Moot is about seeking to promote fair and efficient solutions to concrete issues, which it meets the necessity to understand a network of legal norms and rules

⁶ See for example in the international public law field <http://www.juridice.ro/226797/moot-courts-2012-justice-on-international-level-bucureti-7-9-decembrie-2012.html>.

⁷ One of the most prominent moot court is the Jessup on public international law, established in 1960 in USA held yearly in Washington D.C. and is timed to coincide with the annual meeting of the American Society of International Law. For other important moots please see the list of notable competitions on http://en.wikipedia.org/wiki/Moot_court.

⁸ I have also participated as an arbitrator for this Foreign Direct Investment International Arbitration Moot in 2011 in London. For more details on this moot, please see <http://www.fdimoot.org/>

and the increasing role of statutory materials, administrative practices and guidelines in any legal system.⁹

4. Vis Moot Court

The most significant moot in the field of international commercial arbitration is the Willem C. Vis Moot, an annual competition involving private law¹⁰, held annually in Vienna, Austria, every spring in the week before Catholic Easter and also in Hong Kong, China (a few weeks before Vienna) and is conducted in English.

The Vis Moot is under the patronage of its director, Professor Eric. E. Bergsten,¹¹ the main person, the brain and the soul behind this moot. He has a long-standing and a sustained contribution in general in international commercial and arbitration law and legal education. Prof. Bergsten became a mentor and also a good friend of all the participants and he touched the professional lives of thousands of students as well as of the arbitrators who met on this occasion every year and are engaged in so many social and networking opportunities this Moot creates.

The annual Moot session in Vienna, that already became a tradition, manages to capture the interest of many young students, LLM or PhD candidates who specialize in commercial arbitration. This is a special event, an increasingly large in scale, due to the participation of a great number of students, coaches, teachers, lawyers, practitioners and arbitrators who are interested in international commercial arbitration and commercial law. The Moot is a competition in arbitration and international trade law, in which student teams participate from many prestigious universities on all five continents.

Generally there are thousands of participants from over 65 (almost 70) countries, registering hundreds of teams of students from different universities (basically one or two student teams from Romania participate also every year). It is a unique opportunity to the younger ones to learn from the more experienced, to exchange ideas and especially to meet and make acquaintance with personalities and practitioners with different cultural education and training from the field of commercial and arbitration law. New friendships and professional relationships grow every year, a significant contribution being the social events that are prepared by the organizers at the competition and also the several other conferences and seminars that are taking place in the same period due to the great numbers of commercial and arbitration law specialists participating to the Moot.

⁹ J. Waincymer. 2011. *Problem-Based Learning in Legal Education*. In S. Kröll, L.A. Mistelis, P. Perales Viscasillas, V. Rogers eds. 2011. *International Arbitration and International Commerce Law: Synergy, Convergence and Evolution, Liber Amicorum Eric Bergsten*. Wolters Kluwer, p. 815.

¹⁰ For more details see http://en.wikipedia.org/wiki/Willem_C._Vis_Moot.

¹¹ Professor Eric Bergsten served for sixteen years as a distinguished international civil servant with the United Nations and he was Chief of the International trade Law Branch of the Office of Legal Affairs, The Secretariat of UNCITRAL and he is also a Professor Emeritus at Pace University School of Law, New York, Westchester. See <http://www.cisgac.com/default.php?ipkCat=129&ifkCat=141&sid=171>; <http://www.law.pace.edu/faculty/eric-e-bergsten/>; <http://www.cisgmoot.org/2010/viseast8-Tribute-to-Eric-Bergsten.php> and many more. See also the Preface of the volume S. Kröll, L.A. Mistelis, P. Perales Viscasillas, V. Rogers eds. 2011. *International Arbitration and International Commerce Law: Synergy, Convergence and Evolution, Liber Amicorum Eric Bergsten*.

4.1. About the Vis Moot problem

Vis Moot presents a fictional case in a particular environment, but provides a more realistic simulated learning exercise than any other moot or mock activity.¹² This moot consists of two distinct stages. First is the written of memoranda for the Claimant and for the Respondent and then the hearing of oral arguments in front of a three member panel of arbitrators.

The Moot, as an educational venture, is intended to be as close as possible a simulation of what would happen in a real arbitration. Every end of September beginning of October the problem is posted on the site and is inspired by a pool of real cases, trying to present it as realistic as possible.¹³ There is also available the clarification process, which helps students to develop their abilities of considering and evaluating possible solution on both parts (Claimant and Respondent) and sifting on information, searching additional data to formulate coherent and convincing arguments.

It is important to mention, that like real life, the problem presents a situation that do not have a certain answer and do not fit within a particular field of law and give rise to a multitude of legal issues. The problem is to determine questions of contract under CISG,¹⁴ argued in the context of an arbitration of a dispute under the UNCITRAL Model Law¹⁵ and under a specified set of arbitration rules of a recognized arbitral institution which changes each year.

It is important to mention that in 2007 the basis for analyzing the problem's jurisdiction and competence of the arbitral tribunal were the Romanian Arbitration Rules of The Court of International Commercial Arbitration attached to the Chamber of Commerce and Industry of Romania that applied that year. This was a welcomed initiative that ensure the promotion of the Romanian arbitral institution widely activity. The aims of the Romanian participants in this competition were to made known and advertise the Romanian arbitration rules, to ensure their friendliness and constructiveness, in the sense of highlighting their international aspects.

¹² E. Bergsten. 2006. *The Willem C. Vis international Commercial Arbitration Moot and the Teaching of International Commercial Arbitration*, Arbitration International vol. 22, p. 309-314; E. Bergsten. 2001. *Teaching about International Commercial Law and Arbitration: The Eight Annual Willem C. Vis International Commercial Arbitration Moot*, Journal of International Arbitration 18, p. 481; E. Bergsten. 2003. *Ten Years of the Willem C. Vis International Commercial Arbitration Moot*, International Arbitration Law Review 6, p. 37; E. Bergsten. 1999. *The Willem C. Vis International Commercial Arbitration Moot: The Perspective of the Organizer*, Croatian Arbitration Yearbook 6, p. 167.

See also the materials posted on <http://www.cisg.law.pace.edu/cisg/moot/perspectives.html#edu>.

¹³ More insights about the problem see H. Dundas. 2008. *The Willem C. Vis International Commercial Arbitration Moot*, Stockholm International Arbitration Review 1, p. 157-169, available on.

<http://www.cisg.law.pace.edu/cisg/moot/11-Willem.pdf>.

¹⁴ United Nation Convention on Contracts for International Sale of Goods, known also as Vienna Sales Convention, 1980. See also <http://www.uncitral.org/pdf/english/texts/sales/cisg/CISG.pdf> and http://en.wikipedia.org/wiki/United_Nations_Convention_on_Contracts_for_the_International_Sale_of_Goods.

¹⁵ For details see http://www.uncitral.org/uncitral/en/uncitral_texts/arbitration/1985Model_arbitration.html and in more details on presentation and case law in this respect see http://www.uncitral.org/uncitral/en/case_law/digests/mal2012.html.

4.2. The Vis Moot written memoranda and their evaluation

The first stage of the Vis Moot comprises of submitting written memorandum on Claimant's behalf and after receiving a Respondent's memorandum submitted by another competing team the first team has to respond to the second team's memo, as the roles are shifted. The moot organizes in such manner the distribution of memorandum so that to confront and make pairs of teams from civil law schools against those from common law schools in front of mixed common and civil law arbitral panels. This is one of the Vis Moot key elements of learning by adding real-world educational experience, because this requires students to have an open mind to all the legal systems, approaches and methodologies and they are encouraged to address arguments, not only to create and structure their own.

Regarding the written memoranda, a few details are to be highlighted. Their length is limited, so students are in the position to really strive for the most relevant and efficient arguments and materials to submit, being a useful exercise to decide what to keep in writing and what to preserve for the oral part to better impress the panel and the audience.

Even only two members appear in each oral argument, the team is composed of several students, ideally all implicated both in writing and in oral hearings. Because of the specialization and of the better teams every year, some of the team's members have been especially prepared for the oral hearings, which are split between jurisdictional issues and substantive ones. The memoranda serve as the basis for oral hearings in the preliminary rounds, but practice shows that the arguments develop over a few presentations, when the oralists, once performed in front of their opponents and tribunals, find innovative and more suitable arguments and comments to support their view and acting.

Teams are encouraged to present their case with due regard for an international perspective so that applicable law and authority can be found not only in the text of the applicable law itself but also in court and tribunal interpretations of law, scholarly commentary, treatises, and general principles of international law. Sometimes a specific issue is not addressed in a given jurisdiction, therefore students are encouraged to find authority in scholarly writings on the issue as well as judicial and arbitral interpretations from other jurisdictions. The Vis Moot thereby introduces many students to the use of foreign materials and different supporting legal authority from sources all over the globe.

The memoranda are evaluated by an international panel of arbitrators, who also provide comments and feedback to the students and a short list of the best for each of Claimant and Respondent are sent to a separate panel for ranking, as in the end there are awards for the best memoranda and oralists.¹⁶

¹⁶ The awards are named after luminaries in international commercial arbitration: F. Eisemann Award – for the law school team that prevails in the oral arguments, P. Sanders Award – for the best memorandum supporting the position of Claimant, W. Melis Award – for the best memorandum supporting of Respondent, M. Domke Award – for the best advocate with the highest score in the general rounds.

4.3. The Vis Moot oral hearings

Regarding the second stage, of the oral hearings, the Vis Moot provide for a challenging competition involved almost 300 universities from almost 70 countries in front of a three member panel comprises of the most pre-eminent arbitrators from around the globe.

In the competition, over the first four days, each team argues twice as Claimant, twice as Respondent. The panel for each argument consists of three persons and to the extent possible the panels have been balanced in regard to experience and legal background, being mixed both common law and civil law arbitrators and also in regard of their experience and are formed of academics and practitioners. Each of the three arbitrators from the panel awards points¹⁷ to each of the two oralists. The points such collected are added up over the four days, both to give a team total and individual totals. The top 64 teams (Vienna) and 16 (Hong Kong) go forward to the elimination stages, run on a winner basis. In these advanced stages the winner is decided by the tribunal, after the oral hearing, sometimes after long debates and often on a split decision.

As already mentioned before, the intention is that the oral argument reflects a real arbitration as much as possible, but there is a schedule to be respected, as the organization of such an event is a very difficult task to accomplish. So the hearings are scheduled every two hours, but the actual hearing itself usually is not taking more than one hour, as there is needed time for presentation at the beginning and also some rebuttals, questions and feedback from the tribunals in the end. Also considerations of fairness in the evaluation call for each of the four students to have an equivalent amount of time to present his or her argument.

One should take into consideration that different arbitrators adopt different approaches to the oral hearings, because each arbitrator has its own legal system and its own approach and methodology for testing the students' skills in such a process. Some of the arbitrators ask few questions during the hearing or compress them at the end of a student's presentation. Instead other arbitrators are highly interfering with the presentation and are asking questions from the beginning of the hearing and sometimes are not even allowing too much freedom of space to the student to make any systematic argument at all.¹⁸

In consequence, advocates have to be prepared both to present a coherent reasoned argument without interruption and to have the entire hearing engaged by questions or something in between. Further, some arbitrators adopt a demanding examination throughout the entire hearing, seeking authority for every statement student formulates, while others look for student's advocacy skills and ability to think by her/his own. One of the benefits of the Moot is that it exposes the students to these different attitudes. Therefore, arbitrators are requested to refrain from questioning if they would do so in a

¹⁷ The points are on a 25-50 scale, with most scores being in the 35-45 range; each arbitrator makes his/her own scores, in principle without consultation with the other two members of the tribunal, but this is not excluded, as usually arbitrators' task in real life is to achieve a unanimous solution and it is normal to advise each other in all respects concerning the hearing, but the individual decision on scoring should remain independent.

¹⁸ Most of them are from common law tradition, where such an examination is usual practice.

real arbitration or, if they would ask questions, they should ask the same questions as in a real arbitration and if they are necessary and relevant to a smooth flow of the proceedings.

My view in this respect, and as I often proceed in this matter, is to help student in formulating its arguments and to guide him on the way that leads to the problem's main points that should be submitted. Therefore, my opinion is that questions should be rather concentrated on improving the student's performance and helping the argument than just investigating or challenging the student. As it is so well put by an arbitrator specialist in Vis Moot,¹⁹ the successful oralist is one who is able to zealously advocate his or her position, while maintaining a professional and amicable tone and appearance, particularly under pressure.

Considered a significant teaching and learning tool, the arbitrators are called in the preliminary stages at the end of each hearing to devote some of their time to offer some insights as feedback to the students. This part is the one that students awaits for to learn and gain more practice, in spite of the facts that sometimes the advices contradict, depending on the arbitrator's experiences that may differ from one arbitrator to another, but all of them can provide an overview as they are more experienced academics and lawyers. Thus one of the benefits of the Moot is that it exposes the students to these different attitudes.

As Professor Eric Bergsten itself instructs and requires in the instructions sent to the arbitrators every year, "it is particularly important that arbitrators not ask questions whose sole purpose is to test whether the students have understood the problem and the law or to make the oral arguments "interesting". Such questions are not appropriate in a Moot that attempts to simulate a real arbitration. It should not be necessary to say that an arbitrator who asks questions in order to show off his or her own knowledge is not acting properly."

Regarding the final phase of the oral hearing, the arbitrators' evaluation of the teams' arguments and the students' skills is made separately from the scoring. The arbitrators are encouraged and it is now a very well establish tradition to give the students oral evaluations of their performance immediately following the oral hearings. An oral evaluation by the arbitrators is often the most valuable aspect of the Moot for the students. The students appreciate knowing what they did well and in what respects they should improve to be able to present a better arguments in the coming hearings.

4.4. Pre-Moots of the Vis Moot – regional challenges

After this brief description of the Vis Moot mechanism, anyone can realize that the learning experience is intensified during the oral arguments. The Moot is an educational experience, and the students are not be precluded using the insights they may have gained from earlier arguments in which they have participated or that they may have observed. This is particularly true in regard to the arguments of the Respondent, since those arguments were prepared in response to the memorandum of a particular Claimant's memorandum. It is obvious that sometimes is better the

¹⁹ H. Dundas. 2008., *op.cit.*, p. 158.

Respondent to change its argument to meet somewhat different arguments of a different team representing the Claimant.

Regarding the experience gathered by student in the oral hearings, pre-moots,²⁰ usually regional,²¹ are organized for students in order to rehearse with other universities and improve their skills until the great Moot starts. To better prepare the teams, universities or academic institutes organize such meetings to test the skills accumulated so far and to ensure the possibility to develop the students' advocacy knowledge on the road to the big Moot. Every student is aiming to win a prize to the Moot, so the participation in such a pre-moot is an opportunity to meet other students, coaches and arbitrators and to better familiarize with the moot atmosphere and requests.

4.5. The social events during the Vis Moot

The Vis Moot is a unique experience with a lot to offer to all the participants, as students has the chance not only to compete against the best, but also to learn from the best, to exchange ideas, to mingle with professionals with all sort of cultural and legal backgrounds.

But very important for developing the social skills is that at this moot it is about making new friends both inside and outside of the hearings. As a result, it is another side of the Vis Moot besides the advocacy skills developed through memoranda and arguments and this is a full social program created for the students, coaches and arbitrators. The goal is to bring them together as colleagues and not just as opponents or judges, as the international life, particularly in international arbitration, nowadays more than ever depends on personal and professionals contacts.

For the participants that are coming several years it is very pleasant and all of them are looking forward to this reunion to see each other again, to search for people one knows from previous encounters and to share different experiences and opinions.

Finally, the Opening Ceremony it is a very congenial, enjoyable and a unique experience. But I can say that more of this is the final ceremony, the Award Banquet. All the participants and the organizers are gathered together in a very big hall to enjoy the final oral hearing and then to the Award Banquet, where gratitude speeches are followed by a wonderful meal, during which the winners are announced in cheering crowd. It is a rewarding feeling for the winners to be seen by thousands of other colleagues and arbitrators from a wide range of countries, as their future career starts from there.

In addition, all participants in the Moot, whether as arbitrator or student, are encouraged to join the Moot Alumni Association which plays a major function at the Moot, as creates and coordinates the most of the social program for the students. There is also a separate social program for the arbitrators, generally Receptions hosted by

²⁰ About this subject, as regards the 'Belgrad Open' please see J. Knieper. 2011. *Pre-Moot Serves Regional Integration*, in *International Arbitration and International Commercial Law: Synergy, Convergence, Evolution, liber Amicorum Eric Bergsten*, Wolters Kluwer, p. 725-729.

²¹ For this year Vis Moot Pre-moots list please see <http://www.cisg.law.pace.edu/cisg/moot/pre-moots.html>.

leading local law firms. The numerous Receptions for the arbitrators are wonderful for establishing personal contacts and for business networking. As I have participated to all this experience, I can confirm that these are precious opportunities to meet colleagues from around the world and make new friends.

From my own experience, I can share that this extraordinarily wonderful event enlighten the perception in my career and guide me to the already chosen professional path and made me want more from this international arbitration world by opening new perspectives. As other arbitrators who regularly participate and that I meet there almost every year reveal their views, the ten days attendance in each of Hong Kong and Vienna are a invaluable focal point of the professional year and both rewarding and hugely enjoyable.

4.6. The Vis Moot equip students for practice – tool for improving legal skills

The most important skills that students achieve from this competition is that they are able to make an excellent legal analysis of a real problem, they manage the necessary submissions, they learn or improve their responsiveness to all the arguments their opponents are prepared to bring.

It is also important to mention that an essential feature of a lawyer is to be trained to better organize, prepare and present the knowledge of facts and law case in front of a panel and also how to deal with the challenge of handling questions to create an advantage in her/his favour.

In consequence, besides students learn all the necessary aspects of the oral hearings and legal writing, they are trained in etiquette, ethics, team work and rapport skills (posture, gesture, mimics) that are so important in advocacy.

The educational objective of the Vis Moot is to enhance the students' understanding of applicable laws in the international sale of goods and international arbitration and also of their analytical and presentational abilities in a given applicative-theoretical imaginary scenario. The Willem C. Vis Moot is indeed one of the great events in the world's legal calendar and it should be appreciated the significant hard work and effort of Professor Eric Bergsten's achievement 'in giving so much to so many', to be so rewarding for all kinds of participants every time, even, or moreover, for those how attend this event regularly.

Conclusion

Introducing moot court activities become a necessary option to complete the classical methods of analytical learning and to address any educational gap in studying cases as well as doctrine.

In mooting, the students are focused on arguments and the theatre of it, so an educator need to understand the dynamic nature of the moot, like an oral exam, and the influence on the student's performance related to questions asked, the manner in which this is done, the time allowed for answer and most of all the assistance for the students in difficulty.

Any good law school should be guided by the mooting experience to properly introduce students to necessary legal skills, the key elements of international and transnational legal practice in a manner which assist them to properly assimilate the

substance, procedure, evidence and the research part of such a process. Finally, competitions such as the Vis Moot provide an extraordinary opportunity for students, coaches, professors and professionals acting as arbitrators to consider alternative pedagogical models.

The Vis Moot is an excellent vehicle to promote the advocacy skills and others necessary skills fundamental to the process of lawyering, to deal with legal problems in an ever changing landscape, and thus to ensure the students an optimal legal education. Students learn from experience and problem based learning and learning by doing are outstanding tools to facilitate students understood how practice and experiences guide professional attitudes and strategies.

REFERENCES

J. Walker ed. 2008. *The Vis Book: A Participant's Guide to the Willem C. Vis International Arbitration Moot*, Huntington, New York Juris Net LLC

J. Waincymer. 2011. *Problem-Based Learning in Legal Education*. In S. Kröll, L.A. Mistelis, P. Perales Viscasillas, V. Rogers eds. 2011. *International Arbitration and International Commerce Law: Synergy, Convergence and Evolution, Liber Amicorum Eric Bergsten*. Wolters Kluwer

H. Dundas. 2011. *The Willem C. Vis International Commercial Arbitration Moot: Reflections from an Arbitrator's Perspective*. In S. Kröll, L.A. Mistelis, P. Perales Viscasillas, V. Rogers eds. 2011. *International Arbitration and International Commerce Law: Synergy, Convergence and Evolution, Liber Amicorum Eric Bergsten*. Wolters Kluwer

H. Dundas. 2008. *The Willem C. Vis International Commercial Arbitration Moot*, Stockholm International Arbitration Review 1

E. Bergsten. 2010. *Teaching International Arbitration in Law Faculties*. In K. Hobér, A. Magnusson, M. Öhrström eds. 2010. *Between East and West: Essays in Honour of Ulf Franke*, Huntington, New York Juris Net LLC

E. Bergsten. 2006. *The Willem C. Vis international Commercial Arbitration Moot and the Teaching of International Commercial Arbitration*, Arbitration International vol. 22

E. Bergsten. 2001. *Teaching about International Commercial Law and Arbitration: The Eight Annual Willem C. Vis International Commercial Arbitration Moot*, Journal of International Arbitration 18

E. Bergsten. 2003. *Ten Years of the Willem C. Vis International Commercial Arbitration Moot*, International Arbitration Law Review 6

E. Bergsten. 1999. *The Willem C. Vis International Commercial Arbitration Moot: The Perspective of the Organizer*, Croatian Arbitration Yearbook 6

M. Hunter, Z. Filipic. 2011. *International Arbitration and Legal Education in the 21st Century*. In S. Kröll, L.A. Mistelis, P. Perales Viscasillas, V. Rogers eds. 2011. *International Arbitration and International Commerce Law: Synergy, Convergence and Evolution, Liber Amicorum Eric Bergsten*. Wolters Kluwer

M. Hunter. 1995. *Reflections on Advocacy and the Art of Persuasion*, The Litigator

P. Shaughnessy, T. Lavelle, J. Robilotto. 2011. *Three Perspectives on the Willem C. Vis International Commercial Arbitration Moot*. In S. Kröll, L.A. Mistelis, P. Perales Viscasillas, V. Rogers eds. 2011. *International Arbitration and International Commerce Law: Synergy, Convergence and Evolution, Liber Amicorum Eric Bergsten*. Wolters Kluwer

M. Shulman. 2011. *Making Progress: How Eric Bergsten and the Vis Moot Advance the Enterprise of the Universal Peace*. In S. Kröll, L.A. Mistelis, P. Perales Viscasillas, V. Rogers eds. 2011. *International Arbitration and International Commerce Law: Synergy, Convergence and Evolution, Liber Amicorum Eric Bergsten*. Wolters Kluwer

D. Ross QC. 2007. *Advocacy*. Second edition. Cambridge University Press