

The Vis Book
A Participant’s Guide to the Willem C. Vis
International Commercial Arbitration Moot

Table of Contents iii

Foreword..... ix

Preface..... xiii

Chapter 1 - The History and Purpose of the Moot 1

 I. The History of the Moot 1

 A. The Idea 2

 B. The First Year 3

 C. Subsequent Growth..... 3

 1. Teams 3

 2. Arbitrators 3

 3. Moot Alumni Association..... 3

 4. Sponsorship..... 4

 5. Associated Events 4

 6. A Sister Moot Is Launched 5

 7. Venues Over the Years 5

 II. The Purpose of the Moot 5

 A. The Underlying Philosophy 5

 1. The Moot Is an Educational Program and
 Not Primarily a Competition..... 5

 2. Implementing the Philosophy 6

 B. Developing Advocacy Skills 7

 1. Learning to Analyze the Facts from the
 Problem and the Clarifications..... 7

 2. Understanding That There Are Two Sides
 to Every Dispute 9

3.	Becoming an Advocate in the World of International Arbitration	10
4.	Gaining Facility with the English Language	11
5.	Working Together as a Team	12
C.	Understanding the CISG and the Law of International Sales and Arbitration	13
1.	Promoting Awareness of the CISG and International Sales Law	13
2.	Understanding the Differences in the Law of Sales in Different Countries	13
3.	Learning About the Practice of Arbitration ..	14
 Chapter 2 - The Case and How It Is Changing International Commercial Law		
I.	The Problem	17
A.	A Typical Case	17
1.	Overview	17
2.	The Case File	20
3.	An Example: The Eighth Moot	21
B.	The Arbitration Issues	22
1.	Typical Arbitration Issues	22
2.	Arbitration Issues in the Eighth Moot	24
C.	The Commercial Law Issues	25
1.	Typical Commercial Law Issues	25
2.	Commercial Law Issues in the Eighth Moot	27
II.	Fostering Scholarship in International Commercial Law	28
A.	The Pace Website	28
1.	The Annotated Texts	28
2.	An Example: Article 74	29
B.	The Queen Mary Translation Project	32
III.	Cooperation with UNCITRAL	33
A.	UNCITRAL's Mandate	33
B.	UNCITRAL's Operations	34
C.	UNCITRAL's Projects	36

1. CLOUT	36
2. UNCITRAL Digests of Case Law	37
3. The MAA Abstract Project	37

Chapter 3 - The Road to Vindobona: Preparing for the Moot

I. The Best Way to Prepare for the Moot	39
II. Selecting the Team and Setting the Preparation Schedule	40
III. Researching the Case	44
A. Developing a General Understanding of the Law	44
1. Understanding the CISG	44
2. Understanding the Law of Arbitration	46
B. Research Strategies: Putting It Together	47
C. Requests for Clarifications: Using the Rules to Your Advantage	47
IV. Writing the Memoranda	48
A. Organizing Your Argument	48
B. Consulting the Rules	48
C. Testing Your Argument	50
V. Preparing for the Oral Argument	50
A. Outlining Your Submissions for the Tribunal	50
B. The Rules on Oral Argument	51
C. Practice, Practice, Practice	52
D. Opportunities for Cooperation in Preparing for the Oral Rounds	54
VI. Putting It All Together	55

Chapter 4 - The View from the Dachgeschoss.....

I. Staying In Vienna	57
A. Getting In	57
B. Where to Stay	58
C. Getting Around	59
D. The Dachgeschoss	60
II. Official Events	61

A.	Welcome Party and Official Reception	61
B.	The General Rounds	62
C.	The Announcement of the Finalists	64
D.	The Elimination Rounds	65
E.	The Final Round, Banquet and Awards Ceremony	66
III.	A Typical Round.....	68
A.	The Room	68
B.	The Panel	69
C.	The Timing and Sequence of Pleadings	69
D.	The Elimination Rounds— Parings and Procedure	70
Chapter 5 -	Vienna In Springtime	73
I.	Introduction.....	73
II.	Mooties Just Want to Have Fun.....	74
A.	The MAA Welcome Party	75
B.	Ma Pitom Goes Aux Gazelles.....	76
C.	The Seder	77
D.	The Big Band	78
E.	The Closing Party	79
III.	The Place to Be for Arbitrators.....	79
A.	Introduction.....	79
1.	The Largest Annual Gathering of Arbitrators	80
2.	Why Do They Come? It's for the Students, of Course	80
3.	Why Do They Come? The Special Atmosphere for Arbitrators.....	80
B.	Ingredients of the Special Atmosphere for Arbitrators.....	80
1.	The Heurigen	81
2.	Luncheons...Receptions, Receptions, Receptions...and More	81
3.	Conferences and Symposia.....	82
C.	The Arbitrators Say Thank You.....	82
IV.	Vienna Waits For You	82

A. The Music and Theatre	83
B. The Art, Architecture and Museums.....	84
C. The Palaces	86
D. The Coffee Houses and Food.....	86
E. Best Kept Secrets	87
Chapter 6 - Go East, Young Arbitrator!	89
I. The Birth of Vis East	89
II. How Does the Vis East Operate?.....	91
III. Challenges and Rewards of the Vis in the East	92
IV. Coping With Cultural, Language and Legal System Diversities	93
V. Approaching Vis East 5: Where We Stand Now....	94
VI. Who Are the Vis East Alumni?	96
VII. Where Are We Heading? The Future	97
Chapter 7 - Winning the Moot: What do Arbitrators Want?	99
I. What Do Arbitrators Want?.....	99
II. Pierre A. Karrer.....	100
A. The Most Effective Approach.....	100
B. The Greatest Challenge.....	101
C. The Most Important Lesson.....	105
III. Hew R. Dundas	106
A. The Most Effective Approach.....	107
B. The Greatest Challenge.....	108
C. The Most Important Lesson.....	109
IV. Lawrence W. Newman	109
A. The Most Effective Approach.....	110
B. The Greatest Challenge.....	111
C. The Most Important Lesson.....	112
Chapter 8 - Life After the Moot.....	113
I. Saying Auf Wiedersehen	113
II. The MAA.....	113
A. The History and Purpose of the MAA	113
B. Generations In Arbitration.....	115

C.	The Vindobona Journal of International Commercial Law and Arbitration	115
D.	Scholarly Projects of the MAA.....	116
1.	Taming the Dragon Programme.....	116
2.	CLOUT Abstract Project	116
3.	The VisNet	117
III.	Your Career in International Arbitration	117
A.	Develop your Skills, Continue Your Education....	119
B.	Keep your Eyes Open to All Fields of Law.....	119
C.	Improve Your Languages	120
D.	Do Internships.....	121
E.	Get to Know People	122
F.	Publish	123
G.	Get Involved in Associations.....	123
H.	Dare to Be Different	124
IV.	Profiles of Moot Alumni.....	125
The Authors		Au-1
VisSpeak: A Glossary of Vis Moot Terms.....		G-1
Awards.....		Aw-1
	First Moot (1993-1994)	Aw-1
	Second Moot (1994-1995).....	Aw-3
	Third Moot (1995-1996).....	Aw-4
	Fourth Moot (1996-1997)	Aw-5
	Fifth Moot (1997-1998).....	Aw-7
	Sixth Moot (1998-1999)	Aw-9
	Seventh Moot (1999-2000).....	Aw-11
	Eighth Moot (2000-2001)	Aw-14
	Ninth Moot (2001-2002).....	Aw-15
	Tenth Moot (2002-2003)	Aw-16
	Eleventh Moot (2003-2004)	Aw-20
	Twelfth Moot (2004-2005)	Aw-23
	Thirteenth Moot (2005-2006)	Aw-26
	Fourteenth Moot (2006-2007)	Aw-30
Vis Photo Gallery		CD-ROM