VIRTUAL VIS MOOT RULES

Vienna, Austria
2019/2020

ONLINE Hearings
4-9 April 2020
INTRODUCTION

The Virtual Vis Moot replaces the oral hearings of the 27th Willem C. Vis International Commercial Arbitration Moot which could no longer be held in person due to the outbreak of the COVID-19 pandemic. The Virtual Vis thus enables participation of teams registered at 27th Vis Moot in the oral hearings.

The following Virtual Moot Rules (“Virtual Moot Rules”) are intended to replace (where indicated) and otherwise supplement the existing Rules of the Vis Moot (“the Rules”) for the purpose of the participation in the online oral hearings. With all other aspects of the Moot, the Rules remain unaffected. The Rules and the Virtual Moot Rules are available on the Vis Moot website www.vismoot.org.

The written part of the 27th Vis Moot remains unaffected by the Virtual Moot Rules. All memoranda which were submitted on time have been assessed and will remain eligible for an award, irrespective of whether the team who submitted the memoranda for Claimant and Respondent participates in the online oral hearings of the Vis Moot.

Eligibility

1. Any registered team of the 27th Vis Moot is eligible to take part in the Virtual Vis Moot, except:

   a. Teams which have formally withdrawn on or before 5 December 2019, or
   b. Teams that have not submitted both a Claimant’s Memorandum and a Respondent’s Memorandum.
   c. Teams which did not confirm their participation in the Online Vis Moot by 22 March 2020.

2. The deadline for registering to participate in the online hearings was 22 March 2020. No further teams may be accepted after that date without explicit permission of the Moot Directors.

3. Teams that were registered in the 17th Vis East Moot who transferred participation in the oral hearings to the Vis Moot in Vienna because of the exceptional circumstances of COVID-19 at a time where the organisation of oral hearings in person was still intended, are not eligible to participate in the written part of the Vis Moot. Participation in the Vis Moot only applies to the oral hearings and the team and the oralists to be considered for the Martin Domke Award for the Best Oralist and the Eric E. Bergsten Award for the Best Team.

Technical Notes

4. The Online Vis Moot will be hosted on a platform called Immediation https://platform.immediation.com/.

5. The Immediation Platform is not compatible for mobile devices and tablets; please do not use a mobile device or tablet for the participation in the online oral hearings. Chrome is the recommended browser to use the platform.

6. Technical Requirements: a PC/notebook, camera (if not integrated in your computer) and a stable internet connection (required speed of 0.5 Mbps is recommended for HD quality video.) The use a hotspot connection is not recommended if this can be avoided. External cameras and microphones may provide better quality and audio-visual experience. Compliance with these technical
requirements is highly recommended to enable a smooth operation during the online oral hearings.

7. Each team and arbitrator is requested to find a suitable venue from where participation in the virtual oral hearings is possible without unnecessary disturbances. The venue must be a quiet location with a reliable internet connection. Locations in public and open spaces or hallways or cyber cafes or similar areas are NOT permitted.

8. Teams and arbitrators shall take necessary precautions that the technical equipment used for the online oral hearings has sufficient power supply to last for at least two hours without interruption.

9. During the argument, cameras shall remain directed on the oralists at all times.

10. Teams/Arbitrators shall mute their microphones when they are not speaking to help good audio quality and prevent unnecessary interferences in the arguments. The tribunal chair will monitor and control this, and will request short interruptions if it becomes impossible to hear an oralist because of noise or other interference. Where the Tribunal chair needs to stop the session then Rule 21 shall apply.

Procedure for Participating in the online hearings

11. Teams/Arbitrators participating in the online hearings will receive the following information via email to the contact person communicated to the Moot Administration and via team/arbitrator account:
   a. a link to access your account on the platform (via email)
   b. a case ID (4-digit code – distributed via the team/arbitrator accounts) will be distributed to access the respective hearing. There will be different access links for the team representing claimant and the team representing respondent as well as for each arbitrator involved.
   c. the date/time of the hearing (all hearings and memoranda of the opposing teams can be found in the team/arbitrator accounts)

12. Every online hearing room is prepared for 10 persons (3 arbitrators, 2 claimant oralists, 2 respondent oralists, 1 guest for the claimant, 1 guest for the respondent and 1 admin person). Teams may add additional attendees. Details can be found in the handbook here: https://vismoot.pace.edu/site/27th-vis-moot/online-moot

13. The online hearing room will be opened by the presiding arbitrator. Teams, co-arbitrators and guests can attend the online hearing room afterwards.

14. In the week before the online hearings, webinars to walk everyone through the technique will be available. Details can be found here: https://vismoot.pace.edu/site/27th-vis-moot/online-moot Additionally, recordings of these webinars will made available on the Vis Moot website.

15. At the beginning of the session, the presiding arbitrator will take note of the names and schools of the participating oralists. In order to provide the arbitrators with the correct names of the oralists, the chat function in the online hearing room should be used. First, the claimant oralists should state their name. Second, the respondent oralists should state their name. Arbitrators should cut and past the name of the oralists from the chat function.

16. The chair of the arbitral tribunal will read out the following text, once for each team: “Do you, the students of [name of the team], arguing on behalf of the Claimant/Respondent,
solemnly promise that you will comply with the Rules of the Vis Moot and the Virtual Vis Moot Rules, and that you will not communicate with or in any way receive help from your coaches, fellow team mates or anyone else other than the second oralist during this argument?" Both oralists in the team then reply, “We do solemnly promise.”

17. Each team is responsible for keeping track of its time to ensure it does not take more than the 15 minutes allotted to it without first obtaining permission from the tribunal. Frequently, teams will suggest that each oralist take 14 minutes for their presentation, reserving one minute for rebuttal or sur-rebuttal. This is not obligatory, and the teams and tribunal may agree on any other distribution of time provided each team is given equal opportunity to present their arguments. The presiding arbitrator or another designated member of the arbitral tribunal will monitor the teams’ timekeeping.

18. If a connection is lost due to a technical issue, the teams and arbitrators should try to re-establish connection. If it is impossible for technical reasons to complete the argument within the two hours, the presiding arbitrator may extend the time allowed by the Virtual Moot Rules for up to one hour of extra time. This extra time is only meant to address technical issues and not to extend the oral hearing for the purpose to extending the time for presenting arguments.

19. If an arbitrator is not able to join a session for any reason whatsoever then the teams and/or other arbitrators should send an email to reserve-arbitrators@vismoot.org with the name of the missing arbitrator. A replacement arbitrator will be organised out of a pool of reserve arbitrators.

20. If a connection to an arbitrator is lost during the session of the online oral hearing, the two remaining arbitrators shall continue to conduct the online oral hearing. That arbitrator who was unable to participate in the entire session shall score only the oralists he/she has heard. For the other oralist(s), the missing score will be reached by adding the average of the two arbitrators who were in attendance throughout the online session. If a second arbitrator loses the connection and cannot be reconnected within 15 minutes, the remaining arbitrator will complete the argument and a single score will be entered for each oralist for that argument and multiplied by three.

21. If it is impossible to complete the argument within the extra time as provided in Rule 18, that argument will be declared void by the tribunal. In case of a void argument, the scores of the remaining completed sessions of a team will be averaged to provide their missing scores. If two arguments are declared void for technical reasons, the two remaining completed sessions will be used to provide those teams scores. A minimum of two completed sessions is necessary for a team to remain in the competition.

22. At the end of the argument, the teams will remain in place while the arbitrators leave the virtual "room" to confer privately for a maximum of 10 minutes about scoring and comments.

23. The arbitrators will then join the teams again for feedback for a maximum of 10 minutes. The arbitrators MUST NOT at any time divulge the scores to the teams. The teams then exit the room.

24. Each arbitrator completes his or her Scoresheet and returns it via email to secretariat@vismoot.org the organizers immediately after the session.

25. The scores of the general rounds will be collected by the Vis Moot Organizers for the purpose of establishing which teams will proceed to the elimination rounds.
26. The number of elimination rounds remains the same. The times are the following:

   a. Round of 64 – Wednesday, April 8. 08:00 A.M. (Vienna time) All hearings in the round of 64 take place at 08:00 A.M. even though in the arbitrator accounts some have a hearing at 08:00 P.M. on Thursday
   b. Round of 32 - Wednesday, April 8. 11:00 A.M. (Vienna time)
   c. Round of 16 - Wednesday, April 8. 14:00 P.M. (Vienna time)
   d. Quarter finals - Wednesday, April 8. 17:30 P.M. (Vienna time)
   e. Semi finals – Thursday, April 9. 09:00 A.M. (Vienna time)

27. By agreeing to participate in the Virtual Vis Moot, a team or arbitrator acknowledges that the Vis Moot Organizers have full and final discretion in managing the Virtual Vis Moot in order to ensure its implementation and to endeavour to make the hearings and scoring as fair as possible. The Virtual Vis Moot is an “emergency measure.” In the very short time that was available to organize the substitute version of the traditional oral hearings, it was impossible to anticipate and resolve every problem in this newly created system. The Vis Moot Organizers are thus not responsible for the failure of any argument due to equipment or system failure of either the platform Immediation or of any participant. The Vis Moot Organizers will make their best efforts to resolve or mitigate problems in the best way possible. Questions about the Virtual Moot or clarifications sought Rules should be directed to the Vis Moot Directors.

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