



SCHOOL of LAW

LOYOLA UNIVERSITY CHICAGO WILLEM C. VIS MOOT NEWSLETTER

2010-2011 Willem C. Vis Moot Competitions

By Bradley Lorden and Matthew Levitt



The Vienna Team with Professor Moses

This year, Loyola's Vis Moot Teams continued to build on Loyola's reputation in the 2010-2011 competitions. Both competitions have continued to grow, with approximately 80 teams in Hong Kong, and 250 teams in Vienna.

After competing in the preliminary rounds against teams from Rio de Janeiro, Paris, East China and El Salvador, the Vienna team placed 27th out of 255 teams and advanced to the round of 64. In the first round of elimination, the Vienna team competed against the University of Florida in a matchup that one arbitrator said he would score a

"99 to a 98." Unfortunately, Florida's team scored just slightly better so that ended Loyola's competition in Vienna. Geoffrey Pariza received an award of Honorable Mention as Best Oralist for his performance in the general rounds. Congratulations on a job well done!

The Hong Kong team had a strong performance as well. The team received an honorable mention on their Respondent's Brief and narrowly missed advancing into the finals despite solid performances in the opening rounds. The team finished in the top half of all schools.

The Vienna Team:

- Caroline Erol
- Christine Hake
- Bradley Lorden
- Geoffrey Pariza

The Hong Kong Team:

- Michael Eurich
- Benjamin Haskin
- Daniel Heidtke
- Matthew Levitt



**The Hong Kong Team with Coach
John Calhoun**

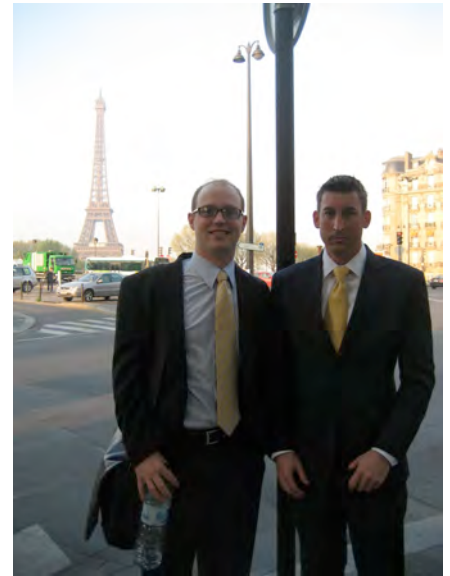
The Vienna Team Pre-Moots By Bradley Lorden

After several months of practice for the Vis Moot competition, the Vienna team took off for Europe in early April. However, before we ended up in Vienna, we made a couple of stops to compete in two pre-moot competitions. The first pre-moot was held at the ICC headquarters in Paris, France. There were 16 teams at this mini competition and we competed against schools from Buenos Aires, Moscow, Paris, and UC Berkeley. Although we had practiced for months beforehand, we learned almost as much in these first few days as we had in the several months prior. Hearing new arguments and receiving feedback from experienced arbitrators really helped us to hone our techniques and revise our arguments. We spent most of our time in Paris either at the ICC or the café down the street in between arguments. We did, however, find a little time to get out and enjoy some of the beautiful sights that Paris has to offer. One afternoon, we rented bikes to experience as much of the city as possible in the little time that we had. Some of the sights we saw were the Eiffel tower, the Arc de Triomphe, Musée d'Orsay, Notre Dame and Sacre Coeur.

Following the Paris pre-moot, we boarded a train to Leuven, Belgium, a smaller city about 30 minutes outside of Brussels. This competition was held at the Catholic University of Leuven, the second-oldest university in Europe, which dates back to 1425. In

Leuven, we competed against schools from Antwerp, Moscow, and New South Wales. We really enjoyed our time in this beautiful European city, especially the Belgian beer and chocolate reception that capped-off our pre-moot festivities.

The pre-moot competitions ended up being nearly as great of an experience as the main competition in Vienna. They gave us confidence going into Vienna and relieved some of the anxiety. Aside from everything we learned, the pre-moots also gave us an opportunity to make some new friends before going to Vienna. The people we met in Paris and Leuven were the ones that we hung out with in Vienna and that we kept in touch with afterwards. The friends and learning experiences we took away from our pre-moot competitions made the whole trip even that much better.



Brad Lorden and Geoff Pariza
in Paris



Christine Hake, Brad Lorden and Geoff Pariza in Paris

The Road to Vienna

By Geoffrey Pariza

Commentators and authors often espouse the benefits and the value of a liberal education as a way not only to become more well rounded and worldly, but also to become more marketable in the global economy. While the law school experience is generally devoid of anything that would likely fall within what these commentators term a “liberal education,” the Vis Moot provides students with exactly this type of education in a unique experiential learning opportunity that is truly international in scope.

There is often a focus on the competition in and of itself, but the Vis experience starts long before that. It begins in October, almost seven months before the competition ever begins, when the problem is released and prospective team members start wrangling with the issues. Domestic legal research in general is rather streamlined and painless. Mooties—which we are apparently called—access Westlaw or Lexis, find what is controlling in the jurisdiction and just run with it. Once research for an international sales transaction begins however, mooties quickly find that Westlaw and Lexis have nothing for them. Even if they did, amassing awards/case law from the United States means nothing when it is not controlling and just one jurisdiction out of countless others, most of which do not follow US legal trends pertaining to arbitration and have many more awards/cases and scholarly articles to offer.

In order to build a cogent argument it is necessary to amass a large amount of awards/case law and scholarship from as many jurisdictions as possible, and that takes not only time but also effort. Mooties need to learn their way around databases they have never used or heard of before; much of what they need more than likely cannot be found on the Internet or even in English for that matter. The realities of practicing in the international setting soon become apparent. It is a lot of work. Even once the last brief has been written and submitted in January, the research never stops. Once mooties get the reply briefs from different nations, they are on the hunt for their competitors’ sources and their arguments. At every round of every pre-moot and the actual competition, mooties are furiously scribbling down the sources used by opposing counsel to find them to use later to exploit their strengths and weakness.

Along those same lines, the arguments are also never finished. With each practice, pre-moot, and round of the competition, there are new arguments, new questions, and new avenues to be explored. I for one, found myself at the final round, as a spectator, still thinking about responses to questions or how I would have countered an argument or source. It was amazing to see how the arguments evolved over the course of several months, through the countless practices to the pre-moots in Paris and Leuven. The deeper my team became immersed in the problem and the more different perspectives that were offered the more our arguments changed, some so drastically that the positions taken during the initial drafts of the briefs seemed absurd in retrospect.

While researching, writing the briefs, and practicing the arguments were an incredible learning experience in and of themselves, the real payoff happened once the pre-moots and the actual competition started.



Brad Lorden, Christine Hake and
Geoff Pariza in Paris

Loyola was fortunate enough to be invited back to the ICC's pre-moot this year in Paris and also had the opportunity to participate in the pre-moot held in Leuven, Belgium.

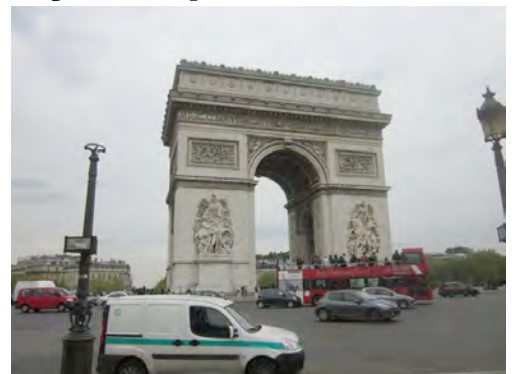
These pre-moots provided an excellent opportunity to, not only practice our arguments against people who were just as familiar with the problem as we were, but to interact with a wide range of people from different countries and different legal traditions. During the pre-moots, we had the opportunity to argue against teams from Australia, Brazil, France, and Russia, to name a few. We had arbitrators from several different countries as well. This was the first time that we were exposed to people from civil law countries, and it was interesting to see how differently they interpreted our arguments and approached the problem. We had to really learn how to tailor our arguments to our audience. For example, making an equitable or fairness argument was generally the best approach when dealing with arbitrators from Common law jurisdictions but would not go over well when dealing with arbitrators from a Civil law jurisdiction. The arbitrators from Civil law jurisdictions were more interested in black letter law, even if it created an unjust result. This in turn created the problem of what to do when facing a mixed panel.

The other benefit of the pre-moots was the fact that they were smaller and held in a much more intimate setting than the actual competition. This afforded us the opportunity to really get to know the people we were arguing against both on a professional level and in a social setting. It was eye opening to discover the particulars of legal education and legal systems in so many different countries. Additionally, the fact that most of the people we met along the way were making highly technical legal arguments in a foreign language never ceased to amaze us. We certainly would not have advanced as far as we did during the competition without the practice and lessons learned during the pre-moots, which really prepared us for the actual competition.

In talking to many of our fellow competitors during the pre-moots and the actual competition I always got the impression that just making it to the Vis was an honor in and of itself and that it was a much bigger deal in many parts of the world than it seemed to be in the United States. What our compatriots were eluding to did not really become apparent until I saw the sheer magnitude of the Vis during the opening ceremony. The ceremony was held in the Great Hall of the Vienna Konzerthaus, which seats around 1,850 people on the main floor and its two balconies and there was not an open seat in the house. People were lining the walls. All in all, the 18th Annual Vis Moot consisted of approximately 255 schools from over 63 different nations.

Even though we were all there to win, it was still a very collegiate atmosphere. Without fail, after every round, the teams would get together and critique one another's arguments and talk about using sources and what worked and did not work for them. Just as in the pre-moots we got to meet and argue against a wide variety of people from countries spanning the globe. And the months of hard work paid off. Before being eliminated, we advanced past the general rounds to the round of 64 for only the third time in Loyola history.

Of course we all wanted to win, but just being part of the Vis was enough. Participation in the Vis was and is a truly amazing experience. Not only did we get a firsthand look into the world of international arbitration and the types of obstacles that one runs into when trying to arbitrate/litigate something that is international in scope, but we also had the opportunity to travel abroad, interact with law students from around the world, and learn how they approached the problems we all faced. I would also be remiss if I did not say that we got in our fair share of sightseeing or fostered international relations over a cocktail or two.



The Thrill of Advancing in the Vienna Competition

By Caroline Erol

All the intense work prior to Vienna surely paid off this year. After countless emails back and forth, practices three times a week, and lengthy discussions about what arguments worked best, Brad, Geoff, Christine, Professor Moses and I finally embarked for a 16-day trip to Europe. The pre-moots in Paris and Leuven were such a great way to prepare for Vienna, in that we had a chance to argue in front of very different types of teams and arbitrators. But getting to Vienna was just incredible. First of all, we met all 263 teams at a banquet hosted at the KonzertHaus our second night there. Not only was the place unbelievably beautiful, but it was also just amazing to see how many people were there, how many people were talking about squid, and how many people enjoyed doing it!

Our arguing schedule was very convenient. We argued never too early or too late during the day, which allowed us to both have time to fine-tune our arguments and to visit the Austrian capital. After the first four days had gone by, it was time to hear which teams would advance to the round of 64. In the past 13 years, Loyola had advanced twice; therefore we were hopeful but realistic. As our team was sitting in the auditorium, listening to the names of the teams which were advancing - as well as their members crying and jumping out of joy - the announcer pronounced the name of our team, which was to compete against University of Florida. It was 6:37pm and the round was to start at 8pm back downtown Vienna. We sort of looked at each other, smiled, and then started panicking as we realized we had left all of our things at the hotel.

We ran towards the exit of the room, jumped in cabs, and then it personally hit me. My heart was pounding, my hands were widely shaking: we were going to argue in the eliminations rounds. How exciting! Once at the hotel, Geoff and I got ready, while Brad and Brittany went to the store to get us sandwiches, Prof. Davis cancelled his arbitrating duties to be available to come see us, Melissa and Christine gave us motivating speeches, and Professor Moses - our dear Pageant Mom - gave us last words of advice.

The round against UF was a great experience, we gave it our best, and the arbitrators said that the decision was really hard (well, I'm sure it's true for at least the two arbitrators that did not fall asleep during the argument...). The coach for the UF team came to see our team after the results were announced that they had won the round, and said to us: "I am so sorry, I really thought you guys won, I feel terrible." While it was no consolation, it was still nice to hear.

Needless to say that we went on to celebrate at dinner and at various Viennese bars afterwards. And we all enjoyed having the day off on Wednesday to relax and walk around in 75-degree weather. This trip was just so exciting and will remain with all of us for a long time, without a doubt.



The Vienna Team: Christine Hake, Brad Lorden, Geoff Pariza and Caroline Erol



The Vienna Team with Prof. Moses before the final banquet

The People You Meet Along the Way

By Christine Hake

This year's Vis Moot problem was about frozen squid. I have to say that I have learned more about squid than I ever wanted to know. I also learned how to be a better advocate during my preparation for the competition. However, it is the people that I encountered along the way that taught me how to argue the problem, which to me is what I appreciate the most about Vis.

Months of preparation went into the Vis Moot problem. Hours of practices more than three times a week added to a busy law school schedule. Many alumni generously devoted their time to helping my teammates and me prepare our oral arguments. From reorganizing our roadmaps to helping us smoothly transition from topic to topic, the alumni truly were the backbone of our team's accomplishments. I learned so much from all these past alumni and improved my skills so that our team for the third time in Loyola's history advanced to the final rounds.

The professors and tutors also helped us achieve so much success in Vienna. Our team would practice and practice and it was never without the help of Prof. Moses. Prof. Moses would never stop assisting us with different approaches on how to argue and how to make ourselves better advocates. Without her help, our team would be nowhere. Prof. Davis was a great person to help us through our tough arguments in Vienna. Also the tutors were a

great support system to have with us in Europe. One of the tutors stayed up with my teammate and me the night before our final round, fine-tuning our arguments. Her willingness to lend a hand to help us improve will always remain with me.

Some of my greatest teachers along this journey were not just the alumni, the professors, and the tutors, but the students themselves. The opportunity to go abroad and meet so many amazing advocates was truly an experience that I would have never been afforded except for Vis. For most of these law students, English was their second language. I was truly shocked and amazed at how well they argued. However, what I was more impressed by was the welcoming advice that all the students would give to one another. After each argument at the pre-moots in Paris and Leuven and in Vienna,

each team we argued against would come up and congratulate us on a job well done. There was no vicious competition aspect to the moot. After every round without fail students would come up to us and explain what they liked about our arguments and analyze how to argue something better with my teammate and me. It was an atmosphere in which ideas were exchanged and students shared a common bond in an effort to improve their skills. To be able to learn from other students around the world by swapping squid stories was the best experience I had at Loyola University. The Vis Moot is something I will never forget and I will always remember the people that made this experience so great. If not for the alumni, the professors, the tutors, or the students, this trip would not have been so memorable!



The Vienna Team celebrating with Prof. Moses, Prof. Davis and the tutors, Melissa Bocker and Brittany Kubes

The Unseen Variable

By Ben Haskin



The format of the Vis Moot competition places two teams of two pleading against one another in front of a panel of three arbitrators serving as the judges. After participating in the Fordham and Loyola pre-moots against several teams as well as observing the general rounds in Hong Kong, the Loyola Hong Kong team knew what to expect from the other teams. Yet, it is not the other teams who present the biggest challenge in the Vis Moot; it is the arbitrators.

Participating in an international competition with teams from all over the world, the pool of arbitrators is also geographically diverse. All approached the competition with their own method and style. Some arbitrators were from common law jurisdiction and often asked for case law supporting a specific point while others were from civil law jurisdictions and expressed little interest in an isolated case from a different jurisdiction.

Similarly, some arbitrators were extremely aggressive and interrupted the participant within the first minute of their submission and continued to ask numerous questions throughout the argument. In contrast, other arbitrators preferred to let the participants finish their entire submission and reserve all questions until the argument was complete. Often, within the panel of the three arbitrators, each would each have a different style, forcing the participants to quickly adapt and learn how to please all three arbitrators.

Until each round began, there was no way of knowing how the panel of arbitrators would interact with the teams. When Benjamin Haskin and Michael Eurich first argued for the Hong Kong team, they were both stopped within the first minute of their submissions and faced continuing questions by the panel. Instead of proceeding with the planned outline of their submission, they both turned their arguments into a conversation with the arbitrators. In contrast, when the team of Matt Levitt and Danny Heidtke argued, they received virtually no questions and presented their submissions within their planned outline. What remains unknown, however, is how the arbitrators score the participants based on their performance and whether they account for time and ability answering questions. In the end, the team's fate always rests with the arbitrators.



Vis East: The View From the Inside

By Michael Eurich

For Loyola the 2011 Vis Moot East competition was a chance to compete against future legal colleagues from around the world in a truly global city. For the ninth year, hundreds of future lawyers gathered in Hong Kong from April 5th through April 10th to compete in the Willem C. Vis International Commercial Arbitration Moot. Loyola was among the eighty-eight teams which participated in this competition. The Hong Kong Moot was the culmination of months of preparation including countless argument practices rounds with law firms and volunteer judges around Chicago and at the Fordham Pre-Moot. In addition the team prepared two written briefs – one claimant and one respondent.



Although the selection process, late night editing sessions, and practices were demanding, the experience to compete internationally was an incredible and once in a lifetime opportunity. Once in Hong Kong, aside from the competition, the team was able to take in the sights, sounds and cuisine of the bustling city. Though a competition, all of the teams were friendly and the Vis organizers hosted a number of social events to allow the moot participants to meet each other. My personal favorite was the night at Happy Valley, Hong Kong's horse racetrack, a local Hong Kong favorite pastime.



During the competition Loyola's Vis East team continued to receive international exposure and competed against two teams from India, Rajiv Gandhi National University of Law and Amity Law School, as well as Yonsei University from South Korea and Singapore Management University. In continuing with the past success of the Loyola Vis East team, the 2010 team brought home an honorable mention for best respondent's brief in addition to the wonderful memories and connections.

Beyond the wonderful experience of visiting Hong Kong, the Vis Moot program offers a great practical opportunity for Loyola students to sharpen the skills that make great lawyers - never-ending research, brief writing, and oral advocacy.

The Vis Moot problem was published online on October 1, 2010. It was a Friday, and I spent that Friday night pouring over the approximately seventy-page problem in the library. I did not know at that time just how familiar I would become with that problem, how well I would know exactly where something was located in the record, nor did I know that I would be one of the few students that would be chosen as a Vis Moot fellow. Six months from that point, however, Matt Levitt, Ben Haskin, Mike Eurich, our coach John Calhoun, and I were all boarding a plane for Hong Kong.

Our first semester with the problem was spent learning the principles of arbitration and the intricacies of the CISG, and writing and revising our briefs that would be sent to Vienna and Hong Kong. During our second semester with the problem, we practiced two to three times a week as a team, refining our arguments, receiving feedback from volunteer arbitrators. We learned just what works—and what did not—when advocating on behalf of our clients. The experience was unmatched, our advocacy skills as a group greatly improved throughout the process, and we performed very strongly both at the pre-moot in New York and at the final competition in Hong Kong.

The principal issues that were argued by the student competitors were the following: whether the tribunal was properly constituted, breach of confidentiality stemming from an interview by one party's CEO, whether the squid were of the proper size to be used as bait, and whether the inspection of the delivered squid was adequate. Maybe it was because I argued the substantive issues concerning the size and inspection of the squid, or maybe it was the fish eye that I ate the first night we were in

Hong Kong (it tasted like chalk), but I may never view calamari the same way as I did before the Vis Moot experience. All kidding aside, however, the Vis Moot program is exceptional.

The practical experience of arguing in front of lawyers, professors, fellow students, and every other volunteer that helped us as we prepared for the final competition was incredible. When we began practicing there was apprehension, anxiety, and the nervousness that comes with the self-awareness that you are the only one in the room that is talking. As we progressed through the months of practice and preparation, however, we became more comfortable with the problem, our arguments, and ourselves. It was during those six months, when squid seemed to always be on our minds, that every student involved in the Vis Moot program became a better advocate.

We arrived in Hong Kong dazed from the time change and the bright neon lights of the city. When we looked back the time we spent with the moot problem seemed to have flown

by. The improvements to our advocacy skills were still there, however, and when we toured the city visiting the various markets (and buying purses, scarves, and jewelry) and taking in all the sights, we never lost track of why we were there.

It was because of the hard work and countless hours that we put in during the months leading up to the final competition, and because of the generosity of people that understand the importance of programs like the Vis Moot Fellowship that we were on the other side of the world. It was a fantastic experience, and I am sure that neither I, nor any of the Vis Moot Fellows, will ever forget those six months we spent with squid on the mind.

Six Months With Squid

By Danny Heidtke



Multiple Missions: Cultural Immersion & Competition

By Matt Levitt

After taking one step off of the plane, it was easy to tell that we had left our personal comfort zone and entered an entirely new experience, where the everyday was a bit different than what we were accustomed to. We had heard the stories – Hong Kong is just like New York but with Chinese writing all over, the weather is perfect but the air quality not so much – but I still was not quite sure what to expect. I knew that there was a harbor, I knew that there was a light show that took place every night accompanied by music, and I also knew that Hong Kong was an island but much of the city was on the mainland. But what I came to experience on my ten-day trip was so much more than the Asian New York City; it was a cultural immersion that left me awe struck, impressed and wanting more.

This was no vacation though. We had come on business and we knew that the goal was to represent Loyola University Chicago in one of the truly global competitions for law school students. The Vis East Moot at the Hong Kong City University was the reason why we made the trip and the reason for nearly six months of preparation. I anticipated high-level competition, intelligent debate and positive criticisms, all of which I encountered during the general rounds in which our team participated. In the end, we did not advance as we had hoped, but we had succeeded by doing our best, feeling as though we competed at a high level and improved our advocacy skills immensely since the process began last October.

As I look back on my time in Hong Kong, I realize that there were two missions that we undertook when we embarked on our preparations for the Vis East. We wanted to do well in the competition primarily, but there was so much more involved with this trip that would serve our goals of being well-rounded, conscientious, and effective attorneys. The advocacy skills and the ability to evaluate problems will serve us well, but in other ways, so will our time interacting with locals in Hong Kong. We improved and took away new perspectives from the several judges who fired questions at us during the competition. However, we also became better world citizens because we encountered a culture vastly different from our own, but which appeared more and more to share similarities with the Chicago we know and love.

Despite competing with over 80 teams from dozens of different countries and legal traditions, it became apparent that, around the world, our differences make us unique, but our similarities are what make us great. The fact that so many different people can come together for one event, sharing laughs and memories, friendly competition and spirited debate, proves that this event is unlike any other we will likely encounter in our future. The time spent in Hong Kong aided our future as lawyers, citizens, Americans and people – an experience that will never be forgotten and positively impacted myself and hopefully those I interact with in the future. I am grateful for my experience and eagerly await the next class of Vis Moot Fellows so they might have the opportunity to grow as I have.

I am grateful to the following people for their contributions and advice throughout the entire process – without them none of this would have been possible: John Calhoun, our Hong Kong Coach who dedicated an incredible amount of time and funding to allow us to experience this once-in-a-lifetime opportunity; Prof. Margaret Moses, whose tireless dedication to International Commercial Arbitration and the success of her students are truly remarkable, and to Prof. Bill Davis, who built the foundation of our Arbitration skills with patience and dedication.



A Special Thanks to Our Donors...

This opportunity to compete in Hong Kong and Vienna was made possible by generous contributions from the Chicago legal community. We thank you and hope that together we will continue to ensure future success for the Loyola Vis teams.

John H. Calhoun, Esq., whose son Michael is an alumnus of Loyola, is also the coach of the Hong Kong team. His continued support, dedication, and guidance to the Hong Kong team throughout the competition were invaluable. Thank you John!

The PepsiCo Foundation made a matching contribution to the donation by John H. Calhoun.

Peter B. Carey, Esq. is an alumnus of Loyola Chicago School of Law and has provided consistent support over the years. He has been an insightful arbitrator and generous donor. He also

visited Vienna many times to arbitrate and to assist the team. His daughter, Ellie, participated on the first Loyola Vis Moot Team. He specializes in commercial litigation.

Freddi L. Greenberg, an alumna of Loyola, has generously contributed to the Vis Moot Program. Ms. Greenberg is in private practice in Evanston, in the field of energy law and municipal utilities law.

Terry Moritz, Esq., an alumnus of Loyola Chicago School of Law, made generous contributions to the Vis Moot program. Mr. Moritz has more than 35 years of experience in the ADR setting, and is currently teaching an arbitration course at Loyola.

Silvia Rota, an alumna of the Loyola Chicago School of Law graduate program, supports the Vis teams through

contribution and through an endowed fund she and her brother have created in honor of their father, **Dr. Aminta Rota**.

The Loyola Vis Moot teams would also like to thank the following friends and alumni of Loyola, a number of whom are past participants in the Vis Moot program, for their financial support:

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Thank you again to all of the donors. We are very grateful for your support.

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