



SCHOOL of LAW

# Loyola University Chicago

## Willem C. Vis Moot Newsletter

### 2009-2010 Willem C. Vis Moot Competitions

*By Brittany Kubes*



The Vienna Team with Professor Moses

This year, Loyola's Vis Moot Teams continued to build on Loyola's reputation in the 2009-2010 competitions. Both competitions have continued to grow, with approximately 80 teams in Hong Kong, and 250 teams in Vienna.

After competing with four different teams from Germany and China, the Hong Kong Team advanced to the round of 16, narrowly losing in single elimination rounds to the team that eventually won awards for Best Oralist and Second Best Oralist. The team also won an Honorable Mention for its Claimant's Brief. And notably, team

members Michael Boyer and Anthony Hernandez received Honorable Mentions as Best Oralists for their performances in the general rounds. Congratulations on a job well done!

The Vienna team had a great performance as well. Chantal Kazay received an honorable mention out of hundreds of individual participants, an amazing accomplishment! The team narrowly missed advancing into the finals despite four fantastic performances in the general rounds.

#### The Vienna Team:

- Cerise Fritsch
- Chantal Kazay
- Matthew Mitchell
- Christy Sicher

#### The Hong Kong Team:

- Melissa Bocker
- Michael Boyer
- Anthony Hernandez
- Brittany Kubes



The Hong Kong Team with Coach John Calhoun

## The Vienna Team Does Exceptionally Well in the ICC Pre-Moot in Paris

### By Chantal Kazay

For the second year in a row, the Vienna Vis Moot team was fortunate enough to be invited to the International Chamber of Commerce's Pre-Moot in Paris, France on March 19-20, 2010. The Pre-Moot consisted of 16 teams from all over the world, many of which were teams that have traditionally done very well in Vienna. The Pre-Moot provided us the opportunity to practice our oral arguments before ultimately traveling to Vienna for the actual Willem C. Vis Moot.

We arrived one day prior to the ICC Pre-Moot and took advantage of the travel day by mooting L'Université de Nanterre Paris X. From the Pre- Pre-Moot against Nanterre, we gained very useful and inspiring feedback both on the merits of our presentation as well as on our public speaking techniques.

The ICC Pre-Moot opened with a welcome reception where we were able to meet a number of students that we would later see at the ICC Pre-Moot as well as at the actual competition in Vienna. Meeting so many "mooties" in Paris, a week before the competition, allowed us to always find a familiar face in the crowd at the social gatherings in Vienna.

We had an extremely busy time at the ICC Pre-Moot as we took part in 4 arbitral hearings in two days! We competed against Kings College London, EFB Paris, ICADE Madrid and the University of Milan. It was an excellent

occasion to test and improve our arguments. We were all pleased to have the opportunity to hone and shape our arguments one final time in Paris rather than at the actual moot in Vienna. We did exceptionally well in the ICC Pre-Moot, scoring higher than each of the respective teams we faced, including the overall winner of the 17th Willem C. Vis Moot, King's College London. The ICC Pre-Moot proved to be an invaluable academic experience that definitely contributed to our success in Vienna.

Overall, the experience in Paris prepared us very well for all aspects of the actual Moot. We had the opportunity to meet many students, professors, and arbitrators and to discuss with them issues related to international arbitration. We learned quite a bit about how arbitration in Europe differs from arbitration in the U.S. But more importantly, we were able to experience those differences first hand, which prepared us for the Moot in Vienna. We now have a much deeper and broader understanding of international commercial arbitration.



Christy Sicher, Chantal Kazay, Cerise Fritsch, and Matthew Mitchell in Paris



Brittany Kubes, Melissa Bocker, Michael Boyer, and Anthony Hernandez in Hong Kong

# The Pre-Moot Prerequisite: Loyola's Hong Kong Team at Fordham University

By Michael Boyer

Loyola's Hong Kong team returned to Fordham this year for another round of vigorous pre-mooting. Returning coach-extraordinaire, John Calhoun, accompanied the team's four members to New York for the weekend of February 20th. The team argued against four different schools in two days, and in our down time we observed additional arguments. The topics covered here – arbitrator feedback, meeting people, lessons learned, and preparation for Hong Kong – all underscore the importance of attending a large pre-moot before the actual Vis competition. Having completed both the Fordham pre-moot and the actual competition in Hong Kong, I can honestly say that the Fordham experience was an accurate simulation of what our team would face in Hong Kong, and that we emerged from that pre-moot far stronger and better prepared than we fully understood at the time.

Arbitrator feedback was, perhaps, the most valuable concrete object for us to take home from the pre-moot. For each round, the pair arguing received extensive feedback from the panel as soon as both sides finished. We were also able to hear the feedback given to the opposing team for that round, which gave us a chance to hear not only what we could do better, but also what the perceived strengths and weaknesses were of the team we had just argued against. Additionally, the arbitrators completed a comprehensive feedback form that included a score based on the same scale used in the actual competition, as well as notes about what the arbitrator liked and did not like about each individual's performance. Here, the scoring was helpful because many of the arbitrators at this pre-moot serve on panels in the actual competitions. The score, combined with the individualized notes gave each of us a decent idea of what we needed to change in time for Hong Kong.

The second benefit from the pre-moot was getting to meet with and hear arguments from other teams. Since the Fordham pre-moot was approximately halfway through the practice period, our team had grown concerned that it was only practicing with itself and occasionally Loyola's Vienna team. Heading to New



Practice Rounds in Hong Kong

York, the concern was that we had missed some essential element of the problem or were arguing something incorrectly. Our fears were quickly allayed. Most teams presented similar arguments, albeit with different degrees of effectiveness. We had the benefit of arguing against strong teams from Georgia, Cardozo, NYU, and

Cornell. The benefit of seeing other teams argue was both a confirmation that our arguments were sound and that our presentation was polished.

The most critical lesson the team learned was that pre-mooting is essential. Preparation and practice as a whole are the fundamental elements of success. A pre-moot brings into sharp relief that which needs strengthening, and it does so at a time when it is still permissible to make mistakes. Much like BarBri and Kaplan courses have become compulsory preparation for the Bar Exam, attending a pre-moot for the Vis is something that the vast majority of competitive teams will do. Therefore, by attending at least one pre-moot, the team puts itself on equal footing with most everyone else at the actual competition. Also, as our team experienced in Hong Kong, arbitrators simply assume teams have completed pre-moots before arriving. It would have been nerve shattering to not have participated in one when panels and opposing teams assumed we had. The bottom line is that pre-mooting for the Vis is now a prerequisite to being adequately prepared.

The final and obvious benefit was that this experience prepared the team for Hong Kong. It is difficult to place a value on the sense of preparation the Fordham pre-moot afforded our team, but I can speak for myself in saying that it helped to assuage my anxiety when I walked into the room for the first round of actual competition in Hong Kong. Fordham was an integral part of a long and challenging practice season that paid dividends when the team competed in Hong Kong.

## A Team United: Preparing for the Vis Moot Competition

By Melissa Bocker

Throughout the Vis Moot process our team decided that once we arrived in Hong Kong we would be able to kick back and relax a bit. We had spent countless hours over the course of two semesters preparing for Hong Kong and were certain that upon arrival there would be equal parts enjoyment and intensity. Our habitual law student competitive nature won out in the end and we spent the majority of our time fine tuning our arguments and working with each other to make sure we put our best foot forward.

The day would begin at about 7 a.m. at the corner Starbucks. Had the Starbucks opened earlier I am sure that some of us would have been there earlier and in fact one day Brittany was there pacing back and forth until they opened their doors. And so we would begin reviewing our outlines and asking each other questions that might be far-fetched but could happen. We wanted to be prepared for anything the judges could think of. After about two to three hours we would take the train to the competition and begin. The two non-competitors of the day took notes on what the judges asked and went to watch other teams competing. We would make sure to watch arbitrators like the well-known Professor Ingeborg Schwenzer in order to hear some questions we may not have previously thought of.

After a day of mooting it was back to the hotel for a dip in the pool....with our outlines. We would go over what worked with the judges and what didn't and what we needed to improve on for the next round. Dinner and a beer, for all but me since I was pregnant at the time, and then on to bed. Repeat this day four times and you have our schedule for the duration of the competition.

All in all we learned that a team that works well together can be successful and happy at the same time. We wound up learning each person's best and worst qualities and formed a little Vis Moot family. We may not have always seen eye to eye on everything but we certainly had respect for each other's strengths.



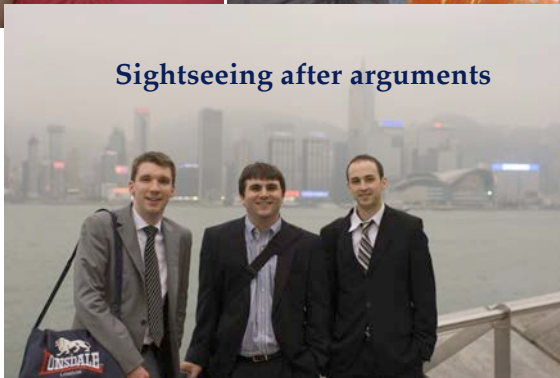
Melissa enjoying dim sum



The Vienna Team in their matching track jackets



Mike, the Hong Kong photographer



Sightseeing after arguments



Practice, practice, practice!

## Vienna Vis Moot Team Never Stopped Practicing

By Christy Sicher

This year, the Vienna Vis Moot Team had the unique opportunity to practice with four teams the day before the Vis Moot Competition began in Vienna. In the first two rounds, we competed against two teams from the University of Washington. During these rounds, we learned how another American team argued the issues and provided fresh ideas to analyzing the competition problem.

Our third practice round was with the University of Basel. In this round, we were challenged to analyze the facts practically and address the issues from different perspectives. We learned oral argument techniques that European teams utilized to create a healthy balance between legal and practical arguments. We also had the opportunity to be judged by European arbitrators. We recognized the differences between American and European arbitrators and incorporated them into our arguments in preparation for the competition.

Our fourth (and final) practice round was with a team from the University of Stockholm. We were delighted to compete against one of the 2008 Loyola Hong Kong Vis Moot Team members, Josh Heffernan. Ultimately, all of our practice rounds in Vienna before the actual competition were invaluable academic experiences and truly eye-opening.



The Hong Kong Team after general rounds



The Vienna Team celebrating after a job well done



Arguments in Hong Kong



## The International Experience in Asia's World City

By Anthony Hernandez

After months of hard work and countless practices our team intended to make the Hong Kong trip an unforgettable experience. Luckily, although the team refused to rest on their laurels and insisted on early morning practices every day of the general rounds, no one missed out on what Hong Kong or the Vis Competition had to offer.

Without question, the boat cruise and dinner on the eve of the final rounds proved to be the single most exciting event in this year's Vis-East competition. The Loyola group was lucky enough to share a dinner table with members of Tsinghua University School of Law in Beijing, a team that we faced in the general rounds and proved formidable opponents. Having a Chinese style dinner with students from the mainland was truly a unique and unforgettable experience. The students were kind enough to introduce us to the Chinese

table manner formalities and food delicacies to ensure we received the most of our dining experience.

The greatest quality about the entire Vis experience is that absolutely every event provides an opportunity to learn something. Whether you are simply observing the competition, pleading against students from a foreign country, or socializing at one of the MAA events, it is impossible not to learn a new approach to arbitration, gain a new perspective, or make a new friend.

It was incredible to interact with an international crowd of students, arbitrators and young professionals in such a modern Asian city. Overall this trip was as much an experience in international relations as it was a competition about international law and arbitration.



Getting around in Hong Kong



## Vienna Vis Moot

By Cerise Fritsch

This year's Vis Moot in Vienna hosted 252 schools from 62 countries around the world. Loyola sent four students to the competition: Cerise Fritsch, Chantal Kazay, Matt Mitchell, and Christy Sicher. The team arrived in Vienna via Paris, where they participated in the International Chamber of Commerce Pre-Moot.

In Vienna, the team competed in four preliminary rounds against teams from EDHEC Business School (Paris), University of Aarhus (Denmark), Erasmus University (Netherlands), and the University of Salzburg (Austria). This year, the team's preparation and dedication was not without reward. While the team did not advance to the elimination rounds, they did exceedingly well with excellent performances in the initial four rounds. One of the students, Chantal Kazay, received an Honorable Mention for Best Oralist. Additionally, Christy Sicher and Cerise Fritsch had the opportunity to plead against King's College London, the team that went on to win the Vis competition, and scored higher than two of their students in Paris at the ICC Pre-Moot.

The team thoroughly enjoyed the Vis experience and the opportunity to meet distinguished scholars, commentators, and professionals in the international commercial arbitration field. We befriended many international students and left Vienna showing Loyola pride and sporting Team Vienna track jackets. Overall, the Vienna Vis Moot was an amazing and unforgettable experience!

## Loyola Hosts a Pre-Moot: Good Preparation!

This year Loyola hosted its Fifth Annual Pre-Moot. It began with a reception at Rock Bottom Brewery on Friday, February 26th at which the students and coaches got to know each other. Then on Saturday the competition began. The Pre-Moot gave the Loyola Vis Moot participants an opportunity to compete with students from a number of Midwestern teams, as well as a team from the University of Aalborg in Denmark. Loyola performed well. Hong Kong team members Mike Boyer and Anthony Hernandez won individual oralist awards. Many of Loyola's alumni participated as arbitrators, as well as a number of arbitrators who are members of the Chicago International Dispute Resolution Association ("CIDRA") and the Chartered Institute of Arbitrators. On Sunday, Loyola teamed up with the Danish team members for an extra scrimmage. At the scrimmage, members of opposing teams acted as judges and got to test the skills of their fellow team members as well as learn techniques from a European team. All in all, the Loyola Pre-Moot was a success and proved to be an integral part of the overall learning experience of the Vis Moot. The organization of this year's pre-moot would not have been possible without the co-sponsorship of CIDRA, whose president is Peter Baugher, and the Chartered Institute of Arbitrators, whose Chicago Division is headed by Larry Schaner.

## 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.

The **CME Group**, with support of its **CEO, Craig Donohue**, graciously and generously sponsored the Vis Moot student teams. We are very appreciative of the CME Group's sponsorship.

**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.

**Rick McCombs, Esq.** and wife **Katrina Veerhusen, Esq.** made generous donations to the Vis Moot program. Mr. McCombs is a partner at Mayer Brown, LLC, and Ms. Veerhusen, a private practice litigator, is an alumna of Loyola Chicago School of Law. We thank you for your assistance!

**Silvia Rota**, an alumna of the Loyola Chicago School of Law graduate program, supports the Vis teams through an endowed fund she and her brother have created in honor of their father, **Dr. Aminta Rota**.

**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.

**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.

The Loyola Vis Moot teams would also like to thank the following Loyola alums, many of whom are past participants of the Vis Moot program, for their financial support: **David O. Barrett, Cara Boyle, Ellen Carey, Anthony B. Cartee, Hanh Diep, Caroline O. Driscoll, William T. Eveland, Jim Gillespie, Beata Guzik, Melissa A. King, John Meyers, Kelly A. O'Brien, Julie K. Schaft, Matthew Silverman, and Yuree K. Whang.**

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

## Loyola University Chicago School of Law

25 E. Pearson Street  
Chicago, Illinois 60611  
Telephone: 312-915-7120



**Professor Margaret L. Moses**  
Associate Dean of Faculty Research and Development  
Director of Loyola University Chicago Vis Moot Program  
Loyola University Chicago School of Law