The Willem C. Vis International Commercial Arbitration Moot is a prestigious annual international competition held in both Vienna, Austria and in Hong Kong, People’s Republic of China. The object of the moot is to foster study in the areas of international commercial and arbitration laws and encourage the resolution of business disputes by arbitration.

The problem for the moot is based on a fictional international contract dispute which is subject to the United Nations Convention on Contracts for the International Sale of Goods (CISG). Students use the CISG, the New York Convention, UN Model Law, and arbitral institutions’ procedural rules as the legal materials for their oral arguments. Arbitrators and practitioners from around the globe hear and evaluate the student arguments which creates a “real world” scenario. This makes it a more realistic venue than many other moot court competitions.

The written phase of the Vis Moot commences on the first Friday in October when the Moot Problem, composed of initial statements of claim and defense, is distributed to the participating teams. The memorandum supporting the position of the claimant is due early in December. As the Moot proceeds, each team is sent a competitor’s claimant’s memorandum. The memorandum for respondent is prepared in response to the memorandum received, and is due in mid-February. As opposed to other international moot competitions, the judging of the memoranda and the oral arguments is completely separate. Winners are chosen for best briefs, but the brief scores have no bearing on how the oral competition is judged or which teams advance.

The Vis Moot is considered one of the most prestigious moot court competitions in the world. The fact that the foremost scholars in the field of international sales law and arbitration come to Vienna and Hong Kong to act as arbitrators exemplifies the high standing of this moot both in the commercial and academic world. It draws participation from law schools from all over the world. In 2007, 177 teams from more than 50 countries took part in the competition.
**Wandering in Hong Kong**

By: Michael Lovernick

Sometimes getting lost is the best way to see a new city. At least that is how I justify being directionally challenged. In the United States, getting lost is no big deal; all you need to do is swallow your pride and ask for directions. In Hong Kong, however, it’s a different, and more interesting, story. Travel books are a great resource when it comes to seeing the major attractions of the city. Of course, when visiting Hong Kong, one must: ride the tram up to the peak, see the “Big Buddha”, and visit the Pearl and Jade Market. Getting lost, however, opens the city up in a way that travel books never could.

One of the most interesting and colorful experiences to be had in Hong Kong is walking down Des Voeux road and seeing and smelling all the store fronts. Where else can you buy a dried octopus, a jar filled with birds’ nests and shark fins at one store? Just past the dried fish store is a shop filled with overflowing boxes and bushels of dried fruit and grain. Being adventurous and buying a small bag of some interesting dried fruit is guaranteed to be an experience in itself. Hong Kong is a city that stimulates all five senses and will form lasting memories if you are just willing to take a walk.

Getting lost is easy to do – start walking in one direction, turn left, turn right, another left and there you are completely lost. There is so much to see on an ordinary road that once the feeling of panic leaves, you are able to really enjoy the experience of the city. Some of us ended up coming across a beautiful, colorful flower market when we were trying to find our way to the MTR (subway). A little off the beaten path is a city full of energy and life, completely separate from the business district and tourist attractions. It is a city worth exploring. This is the Hong Kong that I know and look forward to one day seeing again.

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**Differences in Style: American Passion vs. European Pragmatism**

By: Justin Doolittle

Performance at the Vis Moot is just that, a performance. And like any other performance, you have to play to your audience. At the Moot, your audience is the arbitrators. Watching different teams from around the world perform the same show in different ways gave me an opportunity to compare and contrast the different methods. European teams seem to lack a characteristic that all American teams not only possessed, but also were insistent upon showing. American law students exude passion. From my experience, American law students are taught from day one of law school that it is your job as a lawyer to argue your client’s position to the best of your abilities. It is this sense of duty to our clients that makes American lawyers zealous advocates. The one certainty is that we will all reach the point that we believe the other side is completely wrong, even though the Moot problem is specifically designed to be unclear on this issue. This belief and passion for our position is conveyed to the arbitrators by the way we are unwilling to give in on a weaker issue and the way we raise our voices when asked a question so obviously against our position we do not understand who could possibly ask it.

Justin & Michelle after arguing their arbitration

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The Vis Moot seeks not only to advance the study of international commercial law, and promote arbitration as a method of resolution for international business disputes, but also to allow students to experience a new part of the world. This year, the Hong Kong team was able to benefit from all of these goals.

During its time in Hong Kong, the team attended and participated in a variety of social events hosted by the Moot Alumni Association. One of the many highlights of the trip was the sunset harbor boat cruise and dinner which allowed the participants, coaches, and arbitrators to socialize with people from all over the world.

Beyond the organized events, the team members also took advantage of their time in Hong Kong by touring the city and learning the local culture. In keeping with an annual tradition, team members went to the Jade and Pearl Market where they could purchase keepsakes. The team also toured Man Mo Temple, a temple built in the 1800s and dedicated to two deities: Man, the god of literature, and Mo, the god of war. In the evenings, participants from many of the schools met at the Bridge Bar to mingle.

After the competition, the team ventured away from Hong Kong to Macau. The team saw the ruins of St. Paul’s Church, walked through several marketplaces, and sampled the local cuisine while sitting out on the patio of a restaurant hidden in one of the many corridors that make up the winding streets of Macau.

The experience of preparing for and participating in the Vis Moot serves as a true capstone to any student’s legal education, and the skills gained by our team will continue to serve us throughout our careers.

Living and Learning in a New Part of the World

By: Justin Radic

The passion for our position is the trademark of an American lawyer.

On the other hand, European teams at the Moot typically presented the issues and the relevant facts without getting emotional. I am not trying to say that the American style of lawyering is better; in fact a European law school won the competition. However, when European arbitrators are judging you, it is important to consider your audience. The European style consists of leading with the law followed by the facts and leaving it to the arbitrators to derive an outcome. Unlike the American style of advocacy, where we lead with an outcome and support it with law and facts, the Europeans try to present the law and facts in a manner that can only lead to one desired outcome. Although the nuances between the two styles may be subtle, they are very different when viewed together.

The best possible combination of American and European advocacy is to be passionate about the strong issues and practical about the weaker ones. Energetically present the good facts but don’t leave out the others. If you can contain your excitement at crucial times and show it proudly at others, you will have the best chance of being successful at the Moot.
Exploring the “Haus der Musik” in Vienna
By: Jerome A. Maes

Tucked away on the southern edge of Mitte Wien, the persistent tourist will discover an unique musical experience. Haus der Musik is an informative and interactive “sound museum” housed in a restored 18th century building. As the visitors move beyond the entrance, they are greeted by a room filled with historical memorabilia of the great principal conductors of the Vienna Orchestra, Otto Nicolai and Gustav Mahler, and guest conductors, Arturo Toscanini, Leonard Bernstein, and Georg Solti. Nestled in the midst of this glimpse into the past is a digital “dice game” where users can exercise their musical muscles and compose a waltz in the grand Viennese tradition.

On the second floor, the past is left behind and listeners experience the science of sound by exploring the characteristics of volume, timbre, duration, and space. Visitors can play with interactive instruments, use digital technology to create new sounds, and listen to music in a state-of-the-art, three-dimensional sound system. Before leaving, one can use touch screens to modify a palette of sounds to create an original and unique composition and record it onto a digital disc to take home.

On the next floor, the great history of Vienna is displayed in a panoramic series of historical materials depicting the lives of its greatest composers. From Mozart, Haydn, and Beethoven to Schoenberg, Berg, and Webern, the exhibit follows the lives of those responsible for some of the world’s greatest musical works. This floor takes the listeners back to Mozart’s birth in 1756 and then leads them forward to Schoenberg’s death in 1951.

Compositional activities take a step up as one enters the Brain Opera Project on the fourth floor. Here, a variety of interactive musical instruments record the sounds made by all who enter. Take a seat in the conductor’s chair and use your arms to conduct a completely unique and original musical composition. This museum is an important and interesting stop for all “mooties” who come to Vienna as an intro to the past and future of music.

A Valuable Learning Experience
By: Hilary O’Connor

Having been involved with a moot court competition last year, I went into the Vis East competition thinking I knew what I was in for. I figured it would be like all other moots where you stand around talking amongst your teams, strategizing and planning for the rounds ahead with very little, if any, interaction with other teams. Upon arriving at the moot in Hong Kong, it immediately became evident that this competition is nothing like the others I had been involved with, both as a participant and coach. While it is true that more than fifty schools from around the world had spent hours preparing briefs and oral arguments for the competition and everyone there wanted to perform well, there was an overwhelming feeling of friendship and camaraderie amongst all the students from all of the teams. From the moment we arrived at the hotel, there were students from Hilary & Malini resting on the hill overlooking Lantau Island, Hong Kong.

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Munich, Germany asking us where we were from and if we had dinner plans for the evening. Even after our rounds of arguments, every member of every team congratulated one another and asked if we would be attending the Vis sponsored event that evening. Throughout the entire competition, we made friendships and connections that will last for a lifetime.

Performing well at the moot was undoubtedly very rewarding. Having our briefs win Honorable Mention awards was a great success. However, the most valuable and memorable part of the competition came not from the prizes or accolades, but from the friendships that have been made with people from around the world. Meeting such wonderful future lawyers reaffirmed the fact that I am entering into a great career field. To know that one day I will be working amongst them and possibly with them is the greatest reward I received from competing in the Vis East Moot Competition.

“The most valuable and memorable part of the competition came not from the prizes or accolades, but from the friendships that have been made with people from around the world.”

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**Practice, Practice, Practice...**

By: Michelle Schindler

Participating in the Vis Moot competition is no stroll in the park on a sunny day. With 180 teams from over 50 different countries and hundreds of international practicing arbitrators, the competition at the Moot is intense and something to which no one wants to show up unprepared. So to make sure that they were sufficiently prepared for this year’s Vienna competition, the Vienna Team scheduled copious practices in front of many practicing attorneys from around Chicago. Twice a week, every week, the team faced a new panel of arbitrators who found new ways to challenge the validity and strength of the team’s arguments. Sometimes the arguments went well and other times, not so well; but, each time every team member learned something new.

One of the best parts of the Vis Moot is meeting and practicing against students from around the country and around the world. Five weeks before the competition, both Loyola teams got their first look at the competition when Loyola and the Chicago International Dispute Resolution Association (CIDRA) hosted the Loyola Mini Moot competition at Loyola. The Mini Moot drew teams from Wisconsin, Michigan, California, and Illinois and was a great opportunity to meet and make acquaintances with arbitrators and students from different schools. Not only was it a great networking opportunity, the Mini Moot gave the teams a chance to observe different arguments from various schools.

The final practices took place in Vienna, right before the competition. In Vienna, the team met and practiced against the University of Basel (Switzerland) and Victoria University (Australia). Both teams were fantastic and the arbitrators that accompanied them were tough. Practicing against new teams again led to some beneficial last minute rearranging and final individual practices in the privacy of the hotel room.

When it came time for the competition, all of the team’s hard work came to fruition and each team member performed one of his or her best arguments at the competition. All the team members were happy with their performances and all were happy that the practices had paid off.

“The Vienna Team and Coach Teresa Frisbie relaxing in a Viennese coffee house.”

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City Hall Building in Vienna
After spending almost two weeks in Hong Kong, our team was able to watch first-hand the area’s fast-paced thrust toward Western-style development. Upon arrival, we could sense that it is a city with an international flavor and an eye towards modernity. Yet, on the west end of Hong Kong Island, we only needed to step outside of our hotel to smell the dried seafood markets that lined the street and a quick drive out of the city opened to a whole new world of green mountains, beaches and local markets.

But, while Hong Kong’s sights, sounds and smells have helped it to retain its local population, its drive towards modernity has drawn a large expatriate community. Several of these expatriates are practicing attorneys in Hong Kong who participated as arbitrators in the Vis (East) Moot.
competition. The Hong Kong attorneys we met tended to come originally from Australia or Europe and worked for major, international law firms located in Hong Kong. They traveled throughout Asia to conduct arbitrations. One attorney I met worked exclusively in airport construction arbitration, and spent most of her time traveling from one large city to another in India. But, the arbitrators in the competition were not limited to just those who lived in Hong Kong. During our rounds, the team met attorneys from such places as China, Nigeria, the United States and Australia. There were also European attorneys present, from such countries as Germany and the United Kingdom. The teams were just as diverse. While many of the teams hailed from the US, Germany and Australia, people came from all over the world to participate. Visiting Hong Kong, with its temples sitting on busy commercial streets in the city center and its local smells mixed with its modern sights, was an experience in observing contradictions. But, attending the competition in Hong Kong was an eye-opening experience for students interested in eventually practicing commercial law internationally. While the focus of the Vis (East) competition is to learn more about arbitration, it has the added benefit of allowing students and coaches to network with people from all over the world.

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**Planes, Trains, and the U-Bahn**

By: David Barrett

It is axiomatic that you can learn a lot about a place by traveling to, from and around it. You can learn even more, however, when you are forced to find your own way, without a proper map or directions, in a foreign land with a foreign language. And so, five students and two coaches embarked from Chicago on different planes to later arrive in Vienna, Austria. Once arriving in the airport, we found the train to Wien-Mitte, Vienna’s central station, which connects the inner city Vienna U-Bahn system. Exiting at the Herrengasse stop, our hotel, the Benediktushaus, was only a few short steps away. The Benediktushaus is a converted monastery conveniently located near the Graben shopping district and very close to University of Vienna’s Juridicum (Law Faculty) building where the competition was held.

Not only did we have an oral argument scheduled everyday, we also observed other teams’ arguments to gain additional pointers. In the limited free time we had between arguments, we walked by foot through Vienna’s peaceful streets to its historic palaces and their equally magnificent gardens or to the authentic Kaffehäuser for a late-afternoon mélange and a discussion on that morning’s argument. When we needed to go further than our feet could carry us, we hopped on Vienna’s train system called the U-Bahn. Much like Chicago, with its CTA lines emanating outward from the Loop, Vienna is encircled by above-ground and underground rings, making transit within the city limits quick and effortless. Very unlike Chicago, however, Vienna’s trains are always on time (each platform has a digital clock counting down the minutes until the next arrival).

Vienna is connected to the capitals of nearby Slovakia, Czech Republic and Hungary by equally reliable train service. An afternoon in beautiful Bratislava is roughly an hour-long trip by bus or train. Continue east down the Danube to Budapest or board a train northbound into Prague, it’s all in a day’s work.

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“The it is axiomatic that you can learn a lot about a place by traveling to, from and around it.”

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Malini & Professor Moses in Hong Kong

Michelle and Dave having lunch in Bratislava, Slovakia

The Easter Market outside the Benediktushaus Hotel in Vienna
A Special Thanks to Our Donors

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Cezar M. Froelich, Esq., in addition to being a very generous donor to the Vis Moot program, is an alumnus of Loyola Law School. He received his JD in 1970 and went on to found Shefsky & Froelich Ltd. His concentration is in corporate, securities, and finance law.

Peter B. Carey, Esq. is an alumnus of Loyola Law School and has provided consistent support over the years. He has been an insightful arbitrator and a generous donor. He also visited Vienna many times to assist the team. His daughter, Ellie, participated on the first Loyola Vis Moot Team. He specializes in commercial litigation.

Many thanks from the Hong Kong team.

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