Vis Growth Continues
by Jim Gillespie

The Twelfth Annual Willem C. Vis International Commercial Arbitration Moot continued a tradition of growth and excellence. This year the Moot grew to 151 schools from over 46 countries, increasing the already impressive representation from law schools around the globe. The scale of participation is even more impressive when considering the modest christening of the Moot by 11 teams representing 9 counties over a decade ago. Last year the Moot outgrew the famous Vienna Rathaus (town hall) having to move the Awards Banquet to the recently completed Reed Messe Congress Centre. This year the Moot outgrew its very home, the Juridicum, site of the competition. The law firm of Dorda, Brugger & Jordis offered its impressive offices to supplement the non-stop schedule at the Juridicum. Participants at the firm had the privilege and distraction of viewing the majesty of Vienna's grand architecture framed in floor to ceiling glass walls. The 154 schools attending this year fielded some 900 students, who argued their respective cases in over 300 arbitrations, over the 4 days of the general rounds of the competition. None of this however, would have been possible without the growing cadre of over 400 lawyers, law professors and other arbitration practitioners who gathered from around the world, giving their time to conduct the arbitrations. The phenomenal support and success the Vis continues to enjoy year after year is due, not only to the significance of the forum in a globalizing economy, but especially to the tireless efforts of the Director of the Moot, Professor Eric E. Bergsten, to whom all the participants extend their warm appreciation and gratitude.

What is the Vis?

There are two moots, one in Hong Kong and one in Vienna. Vienna is the original and larger venue. Hong Kong is increasingly competitive. While the teams represented in Hong Kong are fewer, they come from all over the world to compete. Yet the question remains unanswered. What is the Vis Moot? Here is the Vis Moot's own description. “The goal of the Vis Arbitral Moot is to foster the study of international commercial law and arbitration for resolution of international business disputes through its application to a concrete problem of a client and to train law leaders of tomorrow in methods of alternative dispute resolution.” In other words, it is much like

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Hard at work at City University, Hong Kong
The Do’s and Don’ts of the Vis Moot by Mary Curry

Attending the Vis Moot court competition in Vienna is an amazing experience. What comes along with it is the opportunity to learn about the CISG, to learn appropriate advocacy skills, and, unique from other moot court competitions in the United States, the opportunity to become less American.

With over 150 schools from all over the world, the competition is intense. Certain universities prepare for an entire year for the competition and even hire research assistants to ensure that all arguments are fully prepared for the competition. Other teams have their full summer break to travel and participate in mini-moots with teams from various other universities.

Our team did not have quite the same time, or resources, for that kind of preparation. Even so, with the intense opposition we faced, we knew we needed to use our two months before the competition as efficiently as possible. We did the usual research, brainstorming, and oral argument practices. However, what we quickly realized was that despite the knowledge of the material, a more important problem we faced was becoming less “American” about our argument style, and more European on our approach (considering the competition was in Europe and the Europeans would be our biggest rival...there I go being American again).

In practices we attempted to tone down our intensity, to be more composed when making our points, to rid ourselves of colloquialisms, and to formally, yet calmly show how our position was both legally and logically the best solution. We felt as though we were close to mastering the skill as we approached our departure date.

Upon arriving in Vienna, our practice seemed to pay off when our first team eloquently prevailed in the first round. Those first two days we heard several arguments from other teams, many judge’s remarks, and decided we could still use a little more zest in our delivery. That is when we decided to make changes...

We again debated arguments, discussed ways to be more creative, and came up with a few “catchy” phrases to try for our final round. We thought, who better than the Europeans to love a bit of Charles Dickens. We also thought, words that transcend all languages would be a good way to describe some of our main concepts, like “octopus,” for example.

Unfortunately, this should have been filed under the “don’ts” of what to do after you get to the competition. During our last round we presented in front of a judge who did not seem to understand the word “octopus” and a panel that did not get as excited as we had - only hours earlier - about our introduction, “It was the best of times, it was the worst of times.”

There are few lessons to be learned from this experience. First, it is a good idea to try to conform to the cultures of the world, and you should acknowledge what other countries generally do not appreciate about the American legal style.

However, do not attempt to change your arguments hours before competition. Second, just because one team can get away with a cute story that seems catchy to some judges, does not mean you will have the same luck with your panel.

Stick to where your talents lie and enjoy the experience!

Victoria’s Peak
by Andrew Harris

One of the most memorable experiences that I left Hong Kong with, although there were many, was the trip our team took to Victoria Peak. The Peak, which is situated behind the downtown area of Hong Kong and provides a perfect point for looking out over the city, gave us a great perspective of the city we were spending a week in. Four of us took the tram up the mountain – along with all of the other tourists – then spent the afternoon up there walking around, sightseeing and having a relaxing lunch in a restaurant with a view overlooking Hong Kong and Victoria Harbor.

The tram moved straight up the mountain, making us hope the cables were new. Relieved to get there, we found some great walking and jogging trails that wound around the Peak and neighboring areas and so decided to spend the afternoon checking them out. We all took countless pictures looking down on the city, both from the trails and later at the restaurant. Ben and I decided we’d return for a jog another day, but of course our time in Hong Kong was too short to do that. Maybe I’ll get a chance to do that next time I’m there. After our tour, we found a restaurant well beyond our means, had a great meal, and enjoyed ourselves as much as we could before the competition began later in the week.

The view from Victoria’s Peak.
Hong Kong’s MTR by Brian Tharp

As a member of the Loyola Vis Moot East team I spent ten days in Hong Kong for the competition. Throughout my time in Hong Kong I gained a great deal of experience both academically and for life in general. While the Chinese and American cultures contain basic similarities, the differences one experiences are undeniable. Perhaps the most noticeable difference is in the public transportation systems of Chicago and Hong Kong. To someone who has traveled on the “EL,” it is relatively quick and usually less expensive than a taxi. However, once you’ve taken a ride on the MTR, the Hong Kong subway system, it is difficult to ride the “EL” again. The MTR is the quickest system I have ever seen. I waited no more than 3 minutes for a train, and usually the wait was closer to 30 seconds. The MTR is the cleanest public transportation system I have ever seen. No food or drink is allowed inside the paid area and the rule is followed. I cannot think of one time when someone did have food or drink in violation of the rule. The MTR is cheap. The system charges depending upon the distance traveled. The most expensive ride on the MTR is 10 Hong Kong dollars, approximately $1.25. However, the biggest difference between the two subway systems does not have to do with the cleanliness, nor with the quickness of the systems, but rather with the people riding the trains. The citizens of Hong Kong were never rude, they did not push to make it onto the train, and they did not yell when someone was moving too slowly. While the MTR is just one small part of Hong Kong, it is a wonderful example of some of the subtle differences between our cultures.

![Ben enjoys the MTR in Hong Kong.](image)

“We can't wait to return as alumni arbitrators.” Prashima Yeddanapudi

The Bridge, Oasis of Wanchai by Anthony Cartee

While Vienna offers students the famous Ma Pitom for socializing, Hong Kong offers its own “official” Vis gathering place—the Bridge Bar. Located in the famous red light district of Wanchai, the Bridge provides a great opportunity to meet and dance with fellow Vis East competitors.

Because of the smaller size of the Vis East moot, the team was able to dance with and meet most of the students and arbitrators within the first two nights. Although nerves may be high during the day when everyone is “mooting,” everyone quickly relaxes and unwinds in the Bridge’s laid-back atmosphere. The size of the Bridge also fits nicely with a smaller moot. It is big enough to offer dancing; in fact, the MAA website points out that the “Bridge fits even more dancing Mooters (and their coaches and arbitrators) than the bar top at Ma Pitom.” Yet, the Bridge is also small enough to fill to capacity with less than 100 patrons. Camaraderie is further assured with the special drink discounts after 10pm for all moot participants. Over the course of the week, friendships were established at the Bridge with team members from all represented countries, and contact with fellow participants have continued past the moot and our return home. These friendships are the true lasting prize of the moot and, hopefully, they will serve us well in developing our careers in international law.

www.bridge-bar-hongkong.tk

![Brian celebrates the New Year in Asia.](image)

![Tina watches Hong Kong at night while Brian practices his big delivery.](image)
Thinking About Vienna by Skyler Cruz

There is a picture I keep on my desk that was given to me by a good friend not long ago. She and I are in it, along with three other good friends. We are all smiling and look genuinely happy. I like that picture very much because it always takes me back to Vienna. When I see the five of us sitting on the bed in our hotel in Vienna, I sometimes feel as if I might wake up tomorrow in that bed. Of course, I never do wake up in that bed, but it seems that no matter how much time elapses since that picture was taken, the Vis moot competition still remains the highlight of my experiences in law school.

I knew that when I had been selected to go to Vienna, I had won something and I had lost something. I felt like someone had just read the winning numbers of a lottery ticket that I was holding. I also realized that in the months to come, I would be working much harder than I had expected I would in my third year of law school. Yet, I was happy to do the work. I didn’t mind spending a Saturday researching the application of a set off defense under international standards, or meeting early on a Sunday morning to spend the entire day with my team polishing our brief. When I arrived in Vienna, I knew that it was all worth it.

The competition itself was extremely exhilarating. Yet, the moment that always stands out in my mind the most, is the final banquet where the last two teams argued for the last time. I was told that the competition had grown so much over the past twelve years that the building that was originally used for the final argument was not large enough to accommodate nearly 800 students who had come to Vienna this year. As I sat in the banquet hall, one of hundreds of students from all over the world who had toiled for months to be there, I knew that I was a part of something very big, and very special.

I expect that the Vis moot will only continue to grow as word of this competition continues to spread. I have no doubt that students will continue to impress themselves, their peers, their coaches, and their judges. My only hope is that in the years to come, there will always be a banquet hall big enough for such a big competition.

International Commercial Arbitration & Hong Kong by Tina Romero

Sometimes law students expunge the law out of their heads. If a class exists where that cannot happen, it is International Commercial Arbitration and the CISG. A few weeks after returning from the Hong Kong competition, I can safely say this class is the single most satisfying scholastic experience I have had at Loyola.

The CISG class is distinct. First, even the research is interesting in that, not only is it written by scholars from all over the world who work with the CISG, but it may be conducted in the language of one’s choice. Second, after working so closely with Prof. Moses and all the others in the class issue-spotting, arguing, and brainstorming, one’s writing, analysis, and advocacy skills necessarily improve. The collaborative aspect of the class is also like no other. We truly relied on one another for research, feedback, organization, and an open ear. We also relied extensively on faculty, lawyers from around the city, and even prominent judges for their advice and support. Finally, no other class takes a group of hard-working students to another country to be among truly bright and interesting law scholars, practitioners, and students from all over the world. Even more exceptional is that when we packed our bags to go to Vienna and Hong Kong, it was not for vacation. We had our pride and hard work at stake.

The experience helped me confront my weaknesses and dis-cover some strengths, such as an abundance of enthusiasm for cocoa. Above all, I worked with some truly dedicated law students whom I am very proud to now call my friends. I will not expunge any of this experience. It was much too challenging, illuminating and fun to forget.
Loyola Vis Alumni Association by John Meyers

When we started practicing arguments this year, I had dreams of our team winning in Vienna despite the numerous warnings from our alumni that good teams make it into the top third and lucky teams make it into the finals. But what the alumni also told us was that the experience had nothing to do with how we placed. The reward was in the preparation, the development of new skills, the knowledge gained and the understanding and appreciation of differences between the people we would meet from all over the world. As a newly indoctrinated alumnus of the Loyola Vis team, I can attest to the accuracy of this statement. Above all else, this is the advice I want to memorialize and pass on to the teams who come after us.

The Vis competition is truly a unique experience. It is one that most of us will not forget and one that we will never be able to experience again. For this year’s teams the memories were fond and, as we returned from Vienna and Hong Kong, we realized that it was time for Loyola to develop a Loyola Vis Alumni Association. As part of that initiative, we planned a get-together at the home of Professor Moses on June 24, 2005 for the alumni who helped us this year.

As a first step towards establishing an alumni association, I have created a discussion group on Yahoo™ Groups, to promote contact with our fellow Alumni and to develop a central point for discussion. The group can be accessed at: http://groups.yahoo.com/group/loyalavisi. When you login for the first time, you will need to go through the formality of requesting permission to join. After you join the group, please enter your contact information within the database and share any messages you would like in the discussion forum.

We would like to soon create a stand alone website dedicated to the Loyola Vis team, as well as further develop the Loyola Vis Alumni Association which can support the activities of the competing teams and organize social gatherings to reunite old teammates. Please help us promote the future Loyola Vis teams and the power of association by taking the time to join the Loyola Vis discussion group on Yahoo™. If you have any suggestions or would like to participate in an Alumni group please e-mail me at johnmeyers@yahoo.com.

Arbitration Back in Chicago by Ben Boroski

The 2005-2006 Vis Moot will use the rules of the Chicago International Dispute Resolution Association (CIDRA) as the arbitration rules governing the dispute. In past years, the Moot has used the International Chamber of Commerce (ICC), the Singapore International Arbitration Centre (SIAC) and the Swiss Arbitration Association (ASA) and others as the arbitral institution governing the dispute.

Being the governing institution for the Vis Moot brings a great deal of attention to an arbitral institution. Hundreds of teams and arbitrators from around the world will visit the website, download copies of the rules and meet the panel members in person. CIDRA members are enthusiastic about the opportunity to showcase the institution before so many current and future international arbitration practitioners. As one CIDRA member, Steven Smith, noted, "I truly do believe this one event will bring much more visibility to CIDRA than any public relations campaign could."

CIDRA is a relatively new organization, established in 1997. CIDRA has been an official sponsor of the Moot since 2003 and also sponsors the Chicago Area Mini-Moot. CIDRA panel members have participated in the Vis Moot both as arbitrators and as coaches of some of the teams. Students of past Loyola teams have worked at CIDRA, continuing the relationship between the institution and Loyola teams. The relationship is a natural one, as both CIDRA and Loyola Vis Moot alumni work to nurture the developing practice of international arbitration and mediation in Chicago.

"...the moot is an opportunity to meet students, lawyers and law professors from other countries in a context where they all face the same issues." Eric E. Berston, Director of Vis Moot Vienna
THANK YOU, GRACIAS, MERCI, DANKE, XIE XIE

The 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. We couldn’t have done it without you.

Mary Many Thanks from the Vienna Team:

Mayer Brown Rowe & Maw agreed to sponsor the four students on the Vienna team, not only this year but for the next two years as well. Thanks to their generosity, the four Vienna team members are privileged Mayer Brown Rowe & Maw Vis Moot Fellows. Such support is wonderful news for this program as Loyola moves forward with both moral and financial support from very prominent professionals in Chicago.

The following donors provided fellowships for the students who participated in the Hong Kong competition:

Peter B. Carey Esq. (JD ’69). Mr. Carey’s consistent support over the years has taken many forms. He has been an insightful arbitrator, a generous donor, and he visited Vienna numerous times to assist the team with his personal expertise. His family is part of the moot because his daughter participated on the first Loyola Vis Moot team.

John H. Calhoun, Esq. Mr. Calhoun, whose son Michael is an alumnus of Loyola, was the coach of the Hong Kong team this year. He consistently attended practices, always offering helpful tips. In addition to coaching, he served as an arbitrator for the third time at a Vis Moot. His support and guidance to the Hong Kong team throughout the competition were invaluable.

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

The Hong Kong team is most grateful to their donors.

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