Toil, Tour, Triumph

By: Tiffany Jaspers

I must admit, I bought a Hong Kong travel guide in early September as motivation to do well in arbitration class. The day before the “rough” draft of our memorandum was due, I read about Victoria Peak, the highest point on Hong Kong Island. The next deadline found me reading about outdoor escalators. Throughout practices the next semester, I read about everything from a giant Buddha statue to Stanley Street Market to a light show of Hong Kong’s skyline to the Portuguese architecture in nearby Macau. I even learned how to say “thank you” in Cantonese with some help from my Beata Guzik and Yuree Whang en route to see the Buddha.

We definitely spent more time at the competition than away from it—by choice.

Of all the experiences

By: Jonathan Robilotto

Of all the experiences that I’ve had in my law school career, traveling to and competing in Vienna, along with over 1,400 students from more than 200 law schools from all over the world, stands out as easily the most enjoyable and most memorable experience of my three year law school career.

Vienna itself, not surprisingly, was amazing. Staying in the heart of the city enabled us to be immersed in the culture for the week. The Easter Market—a week-long event set up right in front of our hotel—was a welcome occasional respite from the stress of the competition. Relaxing while sipping a local Grüner Veltliner and watching the Viennese people shop for intricately painted Easter eggs is an experience I won’t soon forget. Likewise, touring the incomparable Schönbrunn Palace and climbing to the top of St. Stephen’s Cathedral makes the lengthy list of highlights from the week.

The true reward of being a Mayer Brown Vis Moot Fellow, however, was the unique opportunity to meet people from every corner of the world.

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Lessons in Gratitude
By: Christina Cotter

Before our team had even arrived in Vienna, I can confidently say that we had mastered the art of contract formation under the United Nations Convention on Contracts for the International Sale of Goods. However, there were some lessons that could not be learned until we had actually participated in the competition and interacted with the other teams. Personally, my experience at the competition taught me just how much I take for granted.

Coming from Chicago, it was really eye-opening to compete against students at the moot whose first language was not English. In fact, English was not even a second or third language for some teams, yet they were able to overcome this seemingly daunting obstacle. These students successfully wrote 30-page briefs in English surrounding the intricacies of international commercial arbitration, and argued against native-English speakers with confidence and ease. It was very inspiring to compete against them.

Even more inspiring were the teams at the moot that did not have coaches or sponsors to support them. Truthfully, it seemed impossible to me that a team could successfully make it to Vienna without the support that we were fortunate enough to have. Our coach was an expert in the applicable area of law, and was always willing to provide feedback and to participate in our practices. We also had donors to support our travel overseas and to provide accommodations in Vienna, which were conveniently located near the site of the competition. In contrast, some of the teams that we met were unable to stay in the city due to their financial situation, and instead lodged in the city's outskirts and took the train in to compete. Other teams that we encountered came without a coach to assess their performance and assist with legal questions. It must have taken real determination to make the trip to Vienna without the guidance that we had received.

I left the moot feeling grateful to be in the position I was. Being in Vienna taught me that for all of the hard work I had done, there were others who had to put in even more just to get where I had started. No doubt our team worked extremely hard, but there are certain challenges that we did not have to face, thanks to the support of our coach and our donors. This opportunity was really a once in a lifetime chance to learn not just about international law, but also about how far hard work and determination can take you.

Overall, I left the moot feeling grateful to be in the position I was. Being in Vienna taught me that for all of the hard work I had done, there were others who had to put in even more just to get where I had started. No doubt our team worked extremely hard, but there are certain challenges that we did not have to face, thanks to the support of our coach and our donors. This opportunity was really a once in a lifetime chance to learn not just about international law, but also about how far hard work and determination can take you.

Slow Boat to China
By: Joshua Heffeman

Having spent five years living in China prior to law school, the opportunity to return to Hong Kong for the Vis East Moot seemed like a dream. Weeks before we boarded a plane for a flight longer than any sentient being should be forced to endure, I had already envisioned the entire trip in my head. There would be drinks with old friends, dim sum in Kowloon, maybe even a day at the races, with a bit of oral argument thrown in for good measure. While drinks and dim sum were consumed, (unfortunately the races conflicted with the banquet) my expectations for the trip proved incomplete.

In particular, I was unprepared for the caliber of international practitioners and scholars sitting on the arbitral panels. During the course of the week the Loyola team argued in front of a US Federal Court Judge, the heads of China practice for three prominent global law firms, two heavily cited professors and scholars of commercial arbitration, and a former chairman of the Chartered Institute of Arbitrators. For any student considering the practice of commercial arbitration, the people who heard us argue (and often approached us to chat over a drink at the moot-affiliated social events) represent a veritable Who’s Who of people you want to know. For myself, I took away from the moot wonderful memories, a deeper understanding of arbitration advocacy, and a summer associate position in the Hong Kong office of one of my arbitrators.
Loyola Hosts Third Annual Vis Mini-Moot Competition

The Third Annual Vis Mini-Moot was held at Loyola on February 9, 2008. This event serves as a practice moot for student teams going to the Vis International Moot Arbitration Competition in Vienna and Hong Kong. This year's mini-moot was co-sponsored by the Chicago International Dispute Resolution Association, (CIDRA) whose President is Peter V. Baugher, and the Chicago Chapter of the Chartered Institute of Arbitrators, whose Chairman is Larry S. Schaner. Loyola students did very well. All the participating students were given scores by the arbitrators, and Loyola students took seven out of the top ten places. The event was organized by Professor Margaret Moses and a student assistant, Jean LaViolette, along with former students who had been on Loyola Vis Moot teams in prior years: Ben Borosky, Michelle Schindler and Michael Lovernick. Other former Loyola students served as arbitrators. Peter Baugher, the President of CIDRA, sent this email to all the organizers the day after the moot:

Good job all around. Excellent preparation for the students -- and some good practice for the arbitrators, too. This also nicely positions Loyola in the forefront of Chicago law schools preparing students for the international legal environment.

- Peter Baugher

Vis Competition Offers Unique Opportunity

By: Tim Brennan

Most would agree that Americans have something of an international reputation for being confident, vocal, and assertive. It probably comes as no surprise, then, that American students are known at the Willem C. Vis International Commercial Arbitration Moot for being particularly zealous advocates. Whereas the American students might feel the instinctive urge to stand up and object, the international students are practiced at the art of remaining seated while politely -- even subversively -- asking, “May I make my next submission?” Like the rest of our American colleagues, we are taught in our oral advocacy programs to stand when we present our case, to do so respectfully but adversarially. By contrast, the practice in international arbitration is to advocate while sitting down, and to do so in a conversational tone. As we were consistently reminded by our instructors, “you’re having a conversation with the arbitrators.”

Of course, it would be wrong to suggest that one of these two advocacy styles is objectively “wrong.”

Rather, practitioners of each can learn from the other. This opportunity for American students to learn a different but important form of advocacy is a unique one available to Loyola law students at the Vis Competition.

Loyola participates in multiple moot court competitions, most of which subscribe to the same formula of standing rigidly and arguing to a panel of rather formidable judges. There are precious few competitions, including the Vis Competition, the ABA Negotiations Competition, and the ABA Mediation Competition, that espouse a consensual, more collegial approach to resolving disputes. And there is only one competition -- the Vis Competition -- that focuses on commercial issues, making it arguably more practical than some other competitions, such as those focusing on Constitutional Law. Finally, the Vis Competition is the only truly international competition; it not only includes teams representing over 50 countries, it actually takes place on foreign soil.

In the Vis Competition, students shake hands with opposing counsel and with arbitrators before and after their argument, often receiving business cards from arbitrators. This engenders a friendly, social environment. Only in this type of environment can an American argue before a tribunal chaired by a young German gentleman during the day, then enjoy a beer with the same gentleman later that evening as the two wonder aloud about why the Australian students seem to enjoy table dancing so much. All of the above are reasons to participate in the Vis Competition, and reasons why those of us who have are appreciative of our opportunities.
The Vienna Vis Moot Community
By: Terri Stough

During seven days of early spring in Vienna, the Vis Moot presence is palpable. Hordes of “Mooters” are unmistakably spotted throughout the day in business suits, sourcebooks in hand, as they head to arguments at the Juridicum. In the cafés for a light lunch and argument review, it is inevitable that the people at the next table are excitedly discussing arbitrator questions and feedback. Students and coaches from 53 countries are united by their work on the Vis Moot problem, and it is remarkable the first time you hear another student from a far flung corner of the globe argue a position that has felt unique to you for the past five months.

The Vis Moot journey not only introduces you to a new body of law, international research — thank you, Loyola reference librarians! — and collaborative brief writing, it also culminates in professional interaction with arbitrators and opposing counsel. Those interactions require you to observe rules of etiquette while being subtly strategic, and they sharpen your ability to adjust to divergent personality types. Moreover, arbitrators notice and may commend you for good teamwork with your partner, which demonstrates that optimal interaction is both vertical and horizontal. There are candid moments as well, such as exchanging a knowing smile with opposing counsel or congratulating each other after the argument. The warmth and instructive nature of the Vis Moot community underscores how special the experience is.

The Viennese people themselves are excellent hosts for the experience, and add much to the sense of community. They readily forgive a lack of German language skills, and are patient and helpful. They make eye contact on the street and welcome you with a smile. Although the experience ends far too quickly, travelers to Vienna for the Vis Moot will not soon forget the lessons and pleasures of belonging to this community.

Reflections on the Vis
By: Hsiang Lum

It is in the nature of mirrors that they reflect but also invert. This inversion is subtle; mirrors only invert left and right, but not up and down. Much like a mirror, developed cities in other parts of the world have similar congruence and inversions. The simplest case would be the United Kingdom, where the mirror analogy holds true for their road system; a literal inversion. Hong Kong’s inversions are easier to see, but more difficult to understand.

Part of the difference arises from the fact that I came the other side of such a mirror. Malaysia’s capital city, Kuala Lumpur, is quite similar in many respects. Unlike the sprawling cities in the United States (New York represents the exception to this rule, but is a category unto itself), both Kuala Lumpur and Hong Kong are relatively compact, reflecting a similarly compact sense of self. The usual coffee places and malls were interrupted with unexpected inversions; the huge, somewhat risqué, poster advertising Calvin Klein underwear (largely passé in the U.S.) on the side of the Ritz, combined with little, if any, public displays of personal affection. The inversion of affect of shopkeepers; brusque in manner, but obliging in accommodations.

Being through the mirror a second time, the reflections cast back by the conversations between the participants from other nations was striking; most of them had come through their own mirrors to get here, although the degree of inversion varied. The Indian delegation appeared to carry with them a small bubble of Indianess wherever
they went, the Japanese delegation was energetic and talkative even though the language barrier was significant, while the Australians were gregarious and expansive.

What a mirror omits, however, is probably as important as what it shows, a good image captures a terrific profile while omitting an unsightly boil. I saw only a single homeless person during my stay in Hong Kong, begging for alms in front of a church; few people were identifiably poor. Absence of evidence is probably not proof of evidence of absence, which makes one wonder where they were.

Perhaps the point most trivial to a reader, but most important to me was the fact that by touching the surface of the mirror, it reminded me that this was the second time I had traversed such a surface. The first time was when I had first arrived in the U.S. about eight years ago. It was a reminder that it is not entirely clear which side of the surface of the mirror I was on.

The Fabulous Escalator

By: Yuree Whang

Hong Kong boasts the longest outdoor covered elevator system in the world. It is an elaborate system of escalators, stairs, ramps and walkways that transports over 50,000 people per day between the Central downtown district and the residential Midlevels. The 800 meters-long system squeezes through various neighborhoods, traversing 135 meters in vertical height. Total travel time from one end to the other is approximately 20 minutes without any stops.

Hong Kong's Escalator is more than just a series of moving staircases. It has been aptly likened to a coral reef due to all the energy and intensity teeming around it, and therefore a prime spot for people-watching. Anything one would need or want or not yet imagined is merely a short elevator ride away — food, shopping, tailors, street vendors, spas, 7-Elevens, etc.

It is impossible to separate the experience of Hong Kong and exposure to international commercial arbitration from our daily rides on the escalator, and in point of fact provides parallels to international commercial arbitration. First, Hong Kong's escalator is an alternate, efficient and convenient conduit built to alleviate major traffic jams stemming from Midlevel residents commuting to work in the Central downtown district. Similarly, parties are able to choose international commercial arbitration as an alternate, efficient and effective means of dispute resolution over potentially pursuing a cause of action in an unfamiliar foreign jurisdiction which may take years to issue a judgment. Second, the escalator, rather than detracting from business, has effectively transformed and revitalized neighborhoods it cuts through into some of the

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Ah ha! Junk!

By: Katie Staba

Not merely a word to describe unwanted goods, “junks” are the unique Chinese sailing vessels populating the Hong Kong harbor. My realization of this fact followed one of my many quizzical looks and numerous “ah ha!” moments while in Hong Kong for the Willem C. Vis (East) Arbitration Competition.

A single sentence captures the essence of the Vis experience: “I have three submissions for the Tribunal.” On its face, it is a rather mundane sentence, however, driving the sentence is the word “submit.” When I first heard this simple sentence presented during the general rounds of the Vis Competition, I was surprised to be struck by the subtle differences in approach among the participants. To me, “submitting” your requests to the Tribunal seemed powerless and ineffective. The Vis, through brief writing, oral advocacy training and the competition itself, instructs arbitration novices, such as myself, in the fundamentals of arbitration. As American advocates, we can become entrenched in the highly charged, winning-driven advocacy style. However, the Vis, as a veritable melting pot of international academia, introduced me, previously trained as an American advocate, to international arbitration as a unique and amicable forum of zealous, yet calm advocacy.

Ah ha!

A single sentence captures the essence of the Vis experience: “I have three submissions for the Tribunal.”

As is typical of highly competitive environments, there are always those who approach it with single-minded intensity (“Team A”). Team A huddles to discuss their strategy speaking only in hushed tones to prevent “others” from hearing. Team A also miraculously appears in the audience at every round frantically scribbling what could only be a complete transcript of the argument. In stark contrast to the Team A mentality are the Team C participants. Team C are those who are thrilled to be in Hong Kong, but are more interested in discussing how “cool” the next evening reception will be than in debating the perils of diethyleneglycol. Teams A and C inevitably encounter one another at the well-frequented Vis printer resulting in a hilarious sequence of communication difficulties. Then, of course, to complete the spectrum, are the well-balanced Team B participants. Indeed, Team B has made an appearance at the prior night’s Vis-sponsored festivities, but is ready to approach the day’s rounds with genuine interest and vigor.

Ah ha! The Vis, albeit prestigious and international, is prone to the same division of strong personalities and work ethics so prevalent in American law schools. Loyola, of course, was a Team B.

Levity aside, the Hong Kong Vis was one large “ah ha” experience. From marveling at a giant Buddha resting atop a mountain and braving perilous bus rides down steep and winding roads to witnessing truly remarkable orals and receiving feedback from internationally renowned arbitrators, the Hong Kong Vis was truly an unforgettable journey.
Communicating International Disputes

By: Beata Guzik

“Watching the American schools compete is always so interesting because you have such a command over the language,” remarked one of the German students at the Vis Moot East as we relaxed post-competition.

Although there were many competitors in the Vis Moot East from countries such as the United States and Australia, who were comfortable in English, for most competitors, English was a second language. Notwithstanding this barrier, all the competitors were able to form arguments about nuanced areas of international law, and even answered questions about the law—all in English. While I felt lucky to easily grasp and navigate the arguments in English, I found it amazing that an international dispute, between two international companies, from different legal systems, was discussed and debated in one international language.

After the competition, when I arrived in Beijing, this all changed. All of a sudden I was confronted with people who spoke little or no English. I spoke no Mandarin. Thus my attempts to explain the concept of a grilled cheese sandwich or to find a local pharmacy were not just unsuccessful, they were complete and sometimes comically failures.

After a week of suffering with allergies and a craving for fried cheese, I came to appreciate the way in which competitors, new to the English language, were able to craft arguments and communicate them entirely in English. I also began to wonder: if in this globalized world everyone is trying to understand English, should English speakers be trying to understand other world languages? Perhaps arbitration would be less necessary if advocates were able to communicate their desires in multiple languages, ensuring everyone is able to fully appreciate all the terms of the agreement. This is especially important when the deal involves stakes a little higher than grilled cheese sandwich.

The Fabulous Escalator

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most prosperous areas in Hong Kong. This parallels international commercial arbitration because it does not undercut different legal traditions but actually transforms the critical roles of law and arbitration in an international fora, enabling interactions between diverse parties from very different legal traditions. The escalator is the lowest common denominator because people from all walks of life - locals, expatriates, tourists, businessmen, school children, and fellow vis-mooters - seamlessly mingle.

All aspects of the Vis Moot experience in Hong Kong, from riding the escalator to observing arguments from students worldwide, has been an enriching educational experience beyond merely honing oral argument skills. Competing in Hong Kong allowed us to truly begin to appreciate how we are becoming an increasingly global society, and to recognize the critical roles of law and arbitration as a means of effective dispute resolution. Further, the experience has better prepared us to effectively participate in the ever-growing role of international commercial arbitration that, as aspiring international lawyers, we will likely encounter in our future legal careers.
Tall, Tour, Triumph
(continued from page 1)

Our team argued the very first round of the competition. Afterward, we were all high fives and smiles; we were clearly at least as well-prepared as the other teams, and we knew we stood a good chance of success. We decided to forego a tour of the famed Victoria Peak that day to watch a extra round of competition.

We continued to do well in the competition. Many arbitrators commented on our style, preparation, and organization. We were told that we lived up to our school's good reputation at the competition. Sometimes we were even told ours were the best argument the arbitrators had heard at the competition. A federal district judge in California told me he thought I would make an excellent litigator, which opened my eyes to just how incredible an opportunity the competition really was. The hands-on approach to oral argument and research was a perfect complement to my law school studies.

In the end, we did make it to most of the locations in my travel guide. We experienced the outdoor escalators our very first night on our way to a neighborhood restaurant. Between rounds of the competition, we also made it to the ruins of the São Paulo Cathedral in Macau (with four passport stamps to show for it), took a cable car to the Buddha statue, shopped at the Pearl and Jade Market in Kowloon, where I bought a black pearl necklace for a price that didn't destroy my law student budget, and the Temple Street Night Market. We never did make it to Victoria Peak, but we came close. (We asked our taxi driver to take us to "The Peak." He took us to "The Peak Shopping Mall." It was a peak, at least.)

Seeing the sites was a fun part of the trip, but we definitely spent more time at the competition than away from it—by choice. It turned out to be a good choice. We won brief awards as both Claimant and Respondent and took 9th place overall; however, I think the best "win" was the sense of personal accomplishment. Receiving positive feedback from professionals in the field is something most students never experience; it's something some lawyers never experience. More than anything, it was nice to be part of a team that worked together to do well, so the success was felt on both a personal and a team level.

Our pearl jewelry being prepared at the Pearl and Jade Market

Of all the experiences
(continued from page 1)

My teammates and I spent the first night in Vienna getting to know fellow competitors from Istanbul. Their infectious enthusiasm got the week started off on the right foot. The next night we had the opportunity to meet students from Geneva. Setting aside for a moment the rather embarrassing fact that their English was probably better than mine, it was downright comical to discover that we all shared the same tastes in TV sitcoms.

One practice before the actual competition kicked off introduced us to the unforgettable Australians. Later in the week they managed to give us another dull walking tour a decidedly pub crawl-esque feel. A dinner organized by the Moot Alumni Association towards the end of the week provided the opportunity to meet a student who hailed from Latvia, attended a law school in Britain, and was in Vienna competing alongside students from Greece. For a moment, I thought I was at the U.N. Most impressive, however, were the students from Beijing, who were competing in Vienna despite receiving no support from either their law school or anyone from their home country. Their financial constraints did nothing to dampen their eagerness to meet their fellow competitors, however. One student in particular, from the University in Peking in Beijing, seemingly found the time to meet all 1,400 of her fellow competitors by week's end.

Preparing for the competition helped me develop my oral advocacy skills leaps and bounds beyond where they had been at the start of the year. Vienna itself was beautiful and amazing to experience. But for me, the most unforgettable and beneficial part of the competition in Vienna was the singularly unique experience of meeting and forming friendships with fascinating people from all over the world.
A Special Thanks to Our Donors

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.

**Mayer Brown, LLP** graciously sponsored the four students on the Vienna team as Mayer Brown Vis Moot Fellows. We are very appreciative of the support of such a highly respected firm. Many thanks from the Vienna team.

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

**John H. Calhoun, Esq.** Mr. Calhoun, whose son Michael is an alumnus of Loyola, is also the Coach of the Hong Kong team. His support, dedication, and guidance to the Hong Kong team throughout the competition were invaluable.

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

Additional financial support came from several Loyola alums who participated in the Vis Moot program. John Meyers, James Gillespie, Melissa King, Kathleen Doyle Reilly, and Justin Radic all contributed to the 2007-08 program. We are very grateful for their support.

For more information on Loyola University Chicago Law, see www.luc.edu/law

For more information on the Vis Moot competition, please see www.cisg.law.pace.edu/

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