

# **Virtual Vis East Moot Rules**

**22<sup>nd</sup> – 29<sup>th</sup> March 2020**



**Organized by:**

**The Vis East Moot Foundation Limited**

## Virtual Vis East Rules

*The Virtual Vis East (“the VVE”) is an official division of the Willem C. Vis East International Commercial Arbitration Moot (“the Vis East Moot” or “VEM”), organised by the Vis East Moot Foundation Ltd. It is an emergency measure to permit the participation of teams registered at the Vis East Moot for 2019-20 who, due to the corona virus outbreak, are unable to travel to Hong Kong to participate in person in the VEM Orals Rounds in March of 2020.*

*Following are the Rules for participation in the VVE. These Rules are intended to supplement the existing Rules of the Vis East Moot which are available on the Vis East Moot website. In the event of any ambiguity or apparent contradiction between these rules and those of the Vis East Moot, these Rules will apply for the teams participating in the VVE.*

*The written portion of the 17<sup>th</sup> Vis East Moot, that is the competitions for Best Memoranda for Claimant and Respondent, is unaffected by these Rules. All memoranda which were submitted on time have been assessed and will remain eligible for an award, irrespective of whether the team that authored it participates in the Oral hearings of the Vis East Moot.*

### Eligibility

1. Any team that has registered and been allocated a place in the 17<sup>th</sup> Vis East Moot is eligible to take part in the VVE, except:
  - a. Teams which have formally withdrawn on or before December 5, 2019, or
  - b. Teams registered in Hong Kong who have elected to participate in the 27<sup>th</sup> Vienna Moot Oral Competition instead of the Vis East
  - c. Teams which, although they have not formally withdrawn, have not submitted both a Claimant’s Memorandum and a Respondent’s Memorandum to the 17<sup>th</sup> Vis East or the 27<sup>th</sup> Vienna Moot.
2. The deadline for registering to participate in the VVE is 29 February 2020. No further teams may be accepted after that date except by special arrangement with the Vis East Moot organizer.
3. Chinese teams registered for the 27<sup>th</sup> Vienna Moot who are prevented from travelling to Vienna due to the corona virus travel ban may register to participate in the VVE by February 29, 2020. In such cases, the written Memoranda submitted to Vienna Vis will not be considered for competition in the Vis East competition.
4. For the purpose of Paragraph 3 only, the usual rule limiting each school to one team is suspended. Thus, a school which has registered two separate teams, one for the 17<sup>th</sup> Vis East and one for the 27<sup>th</sup> Vienna Moot, may “send” both teams to compete in the VVE. In this case the team originally registered for Vis East shall be SchoolName #1 and the team originally registered for Vis Vienna shall be SchoolName#2.

## Technical Notes

5. No special equipment or software is necessary to participate. A team or arbitrator can access with a mobile telephone with internet connectivity, although a larger computer screen or monitor is preferable. In any case, the arbitrator's or the team's camera and microphone should be firmly positioned throughout the argument so as to show both oralists and to ensure their voices are clearly audible. External cameras and microphones may provide better quality audio-visual experience. Each team and arbitrator is responsible for finding a suitable venue from which to participate. The venue must be a quiet location which can be closed and private and which has adequate and reliable internet activity and have a desk and chairs for the oralists as well as space to seat coaches and other team members during the argument. Locations in open spaces or hallways or cybercafes or similar areas are NOT permitted.
6. Teams and arbitrators are cautioned to ensure that all equipment has a power supply sufficient to last for at least two hours without interruption.
7. During the argument, cameras shall remain on and trained on the oralists at all times.
8. Teams shall mute their microphones when not speaking and ensure there is no rustling of papers and extraneous noise throughout the arguments. The tribunal chair will monitor and control this, including stopping the argument if it becomes impossible to hear an oralist because of noise or other interference. Where the Tribunal chair needs to stop the session then Rule 18 on voided arguments applies.

## Procedure for Participating in the VVE

9. After confirming that a team intends to participate in the VVE, the Contact Person for the team will receive one or more email messages from the Vis East organizers setting out the names and countries of the teams they will argue against.
10. The message(s) will also contain:
  - a. the date and time of the trial run for each pair of teams (see rule 11 below)
  - b. the date and time of the general arguments scheduled for that team;
  - c. the email and phone number of the Contact Person for each opposing team; and
  - d. a link to enter the "room" for each argument.
11. Each pair of teams shall, before arguing in the VVE, participate in a "trial run" to be arranged with the Vis East Organizers in the week prior to the Orals Week. This must take place in the venue from which the team will participate, so as to ensure that audio and visual conditions, including internet, are suitable for the arguments.
12. Each arbitrator will also receive the link for the argument room. The conference manager will facilitate private caucus sessions for the arbitrators at the beginning and the end of each session.

13. The link will become active for a limited time at the date and time indicated in the message to teams and arbitrators. Both teams and the arbitrators will all link to the virtual “argument room”.
14. At the beginning of the session, the Chair of the arbitral tribunal will take attendance and record the names and schools of the participating oralists, and will read out the following text, once for each team:

*“Do you, the students of xxx school, arguing on behalf of the Claimant/Respondent, solemnly promise that you will abide by the Rules of the Vis East Moot and the Virtual Vis East Moot, and that you will not communicate with or in any way receive help from your coaches, fellow team mates or anyone else during this argument?”* Both oralists in the team then reply, *“We do solemnly promise.”*
15. As in the Vis East Moot, each team is responsible for keeping track of its time to ensure it does not take more than the 15 minutes allotted to it without first obtaining permission from the tribunal. Frequently, teams will suggest that each oralist take 14 minutes for their presentation, reserving one minute for rebuttal or surrebuttal. This is *not* obligatory, and the teams and chair may agree another division of their time provided each team has equal time. The chair or another designated member of the tribunal will also keep track of time, as a check on the teams’ timekeeping.
16. If a connection is lost due to a technical communication fault, the teams and arbitrators should try to re-establish it. If it is impossible for technical reasons to complete the argument within the two hours, the chair of the tribunal may extend the times allowed by the rules for up to two hours of extra time.
17. If an arbitrator is not able to join a session for any reason whatsoever then the teams and other panel members should wait 15 minutes before the remaining two arbitrators shall proceed. If the third arbitrator does succeed to join the session, that arbitrator shall score only the oralists he/she has heard. For the other oralist(s), the missing score will be reached by finding the average of the two arbitrators who were in attendance throughout. If a second arbitrator loses the connection and cannot be reconnected within 15 minutes, the remaining arbitrator will complete the argument and a single score will be entered for each oralist for that argument.
18. If it is impossible to complete the argument within the extra time as provided in Rule 16, that argument will be declared void by the tribunal. In case of a void argument, the remaining completed arguments of a team will be averaged to provide their missing scores. If two arguments are declared void for technical reasons, the two remaining completed arguments will be doubled to provide those teams scores. A minimum of two completed arguments is necessary for a team to remain in the competition. The Vis East team will make its best efforts to assure every team can complete two arguments by arranging a substitute argument for a team which has been unable for technical reasons to complete at least two scheduled arguments.
19. At the end of the argument, the teams will remain in place while the arbitrators leave the virtual “room” to confer privately for a maximum of 10 minutes about scoring and comments.

20. The arbitrators will then rejoin the teams for feedback for a maximum of 10 minutes. The arbitrators do NOT at any time divulge the scores to the teams. The teams then exit the room.
21. Each arbitrator then completes his or her Scoresheet and [returns](#) it electronically to the Vis East Organizers.
22. VVE scoring results in the general rounds will be recorded by the Vis East organizers for the purpose of establishing which teams will proceed to the elimination rounds
23. The number of elimination rounds may be adjusted with the number of teams going forward may be reduced to 16 or to 8, depending on the number of teams actually participating in the Oral Rounds of the VVE

### **General**

24. By participating in the VVE, both arbitrators and team members agree to the sharing of their email and telephone contacts with the members of the tribunal and the opposing team. This information is necessary for scheduling and technical purposes and will not be shared with anyone outside the Vis East Moot Foundation and its employees and volunteers, for the purposes of the Moot.
25. By agreeing to participate in VVE, a team or arbitrator acknowledges that the Vis East Organizers have full and final discretion in managing the VVE in order to ensure its technical success and to make the hearings and scoring as fair as possible. The VVR is an “emergency measure.” In the short time available we may be unable to anticipate and resolve every problem in this newly-created system. We are not responsible for the failure of any argument due to equipment or system failure of either VVE or of any participant. We will make our best efforts to resolve or mitigate problems, including by adjusting or averaging scores if we consider this will produce the fairest result. Questions about the VVE Rules should be directed to the Vis East Organizers for clarification.

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