

10th Annual Middle East Vis Pre-Moot

eVis Pre-Moot Rules

10 – 12 March 2020 – Virtual Team Preparation Program

13 – 14 March 2020 – Virtual Pre-Moot Competition

A. Team Registration and Program Fees

1. The Middle East eVis Pre-Moot is open to all teams registered to participate in either the Vienna or Hong Kong Vis Moot. There are no registration fees for teams or arbitrators to participate.

B. Arbitrator Eligibility and Registration

2. Team coaches, former moot participants, lawyers, dispute resolution professionals, and contracts professionals are encouraged to register as arbitrators. Team members are not eligible to register as arbitrators.
3. Upon registration, arbitrators will receive a link to materials to include an “Arbitrator Briefing” video, along with instructions on confirming hearing schedule. *Arbitrators are required to watch the Arbitrator Briefing, prior to judging any argument.*
4. Arbitrators should self-register for arguments through the link to be provided to them by the organizers shortly upon registration. Arbitrators may not judge arguments where a conflict of interest may exist. A conflict of interest may include, but is not limited to, any relationship as a coach, professor, or student at the school of one of the participating teams, personal relationships with team members on one of the participating teams, and any similar relationships.

C. Arguments Schedule

5. The final schedule for eVis Pre-Moot competition arguments will be made available to teams and arbitrators at least 72 hours prior to the first scheduled argument. All times for the eVis Pre-Moot should be understood as referring to **Arabian Standard Time (GMT+3)**, unless otherwise explicitly stated.
6. Detailed instructions on how to connect to the eVis Pre-Moot portal will be provided to teams and arbitrators at least 24h prior to any scheduled argument.
7. Please note that, unlike in-person pre-moots, we schedule arguments to accommodate multiple time zones. As such, it is very challenging to accommodate last minute scheduling changes and cannot guarantee a replacement round in case of cancellation. All cancellations must be received as early as possible, and no later than within 24 hours of the starting time of the scheduled argument.
8. Upon publication of the final argument schedule, teams must confirm that no conflict arises per rule 85 of the Vis Moot Rules (available [here](#)). If a conflict arises, please contact the eVis Pre-Moot Administrator at info@bcdr-aaa.org at the earliest opportunity to enable a scheduling change. Depending on the timing of the notification, the eVis Pre-Moot organizers may not be able to schedule a substitute round.

D. Required Technology

9. The following hardware and software is required for teams and arbitrators to access the various eVis Pre-Moot sessions:



- **Hardware:** Mac or PC with minimum screen resolutions of 1024 x 786; *please note that mobile connection is not available.*
 - **Broadband connection:** Minimum speed of 2mbps for video communication;
 - **Accessories:** Webcam for video communications, microphone / headphones for audio communication;
 - **Software:** Google, Opera or Firefox browser.
10. All teams are responsible for ensuring that they have access to the suggested hardware and software and test their connectivity to the system prior to their scheduled argument. *The eVis Pre-Moot organizers will provide teams the possibility to conduct a “practice round” on March 12 and arbitrators an opportunity to test connectivity prior to their respective scheduled argument.*
 11. It is best to be stationary during the session and have a direct line to your connection (instead of wireless), if possible. Additionally, arbitrators’ and teams’ webcam and microphone should be firmly positioned throughout the argument to ensure voices are clearly audible.
 12. 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 connection. Locations in open spaces or hallways or cybercafes or similar areas are NOT permitted.
 13. Teams and arbitrators should ensure that their respective equipment has sufficient power supply to last for at least two hours without interruption.

E. Hearing Procedure Rules

14. The eVis Pre-Moot Rules adopts the Rules of the Annual Willem C. Vis International Arbitration Moot, available [here](#). In addition, the following rules shall apply:
 - a. the eVis Pre-Moot organizers may assign for each argument a ‘moderator’ to ensure abidance by the present eVis Pre-Moot Rules;
 - b. teams shall mute their microphones when not speaking and ensure there is no rustling of papers and extraneous noise throughout the arguments; for the avoidance of doubt, the presiding arbitrator and/or the moderator (designated by the eVis Pre-Moot organizers) will monitor extraneous noise, and reserves the right to stop an argument if the pleading becomes impossible to hear;
 - c. each round will be recorded and timed. Recorded arguments will be made available and posted online with a restricted password and protected access to view. Only team members, coaches, and arbitrators related to the round are permitted to view the recording. Recordings should not be shared with other persons or teams. Any violation of this rule may result in preventing a school from participating in future pre-moots hosted by the Middle East Vis Pre-Moot;
 - d. teams who fail to participate in their scheduled argument without providing a valid reason 24 hours prior shall be deemed to have forfeited from the eVis Pre-Moot, and all their scheduled arguments shall be cancelled. This is to enable eVis Pre-Moot administrators to find a reliable replacement.
 - e. if counsel does not appear for a round by 15 minutes after the scheduled time, the arbitrators should proceed to hear arguments from the counsel present. Arbitrators are to regard absent counsel as having forfeited their opportunity to present arguments and may not grant any points.



- f. however, if the absence is due to technical connectivity issues, then the eVis Moot organizers may reschedule the session further to consultation with the Arbitral Tribunal.
- g. if only two out of the three arbitrators have appeared, then the online eVis hearing room moderator will serve as the third arbitrator.
- h. if during the hearing, any party or arbitrator incurs a technical problem that delays the proceeding by more than 5 minutes, then the arbitrators reserve the right to extend the overall pleading time for the impacted party. The eVis Pre-Moot organizers reserve the right to reschedule the hearings to another time, if such delays impact the hearing for more than 15 minutes.
- i. At the beginning of the session, the presiding chair arbitrator or hearing room moderator 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 [*name of participating university*], arguing on behalf of the [*Claimant or Respondent, as the case may be*], solemnly promise that you will abide by the Rules of the Vis Moot and the eVis Pre-Moot, and that you will not communicate with, or in any way receive help from, your coaches, fellow teammates or anyone else during this argument?

- j. Each oralists in the team shall then reply:
 - I do solemnly promise.
- k. at the end of the argument, the teams will remain in place. Arbitrators may offer immediate verbal feedback to teams.

F. Scoring

- 15. Scores may vary from 50 to 100 as per the following:
 - a. Excellent: 91-100;
 - b. Very Good: 75-90;
 - c. Good: 60-74; and
 - d. Improvement needed: 50-59.
- 16. Each arbitrator will receive prior to judging an argument a link to a scoring form to be completed after the completion of the argument.
- 17. There is no requirement that the arbitral panel agree on the scores to be allocated to each pleader. However, the arbitral panels may, and are strongly encouraged to, discuss scoring at the end of a hearing and prior to submitting the scores through the link. Arbitrators are also encouraged to consider a few words of constructive advice that they can give to the students as feedback to help them improve their arguments.
- 18. Each arbitrator is expected to make an individual decision as to the score to be awarded. Nevertheless, a widely divergent score, whether higher or lower than the others, raises questions as to the criteria used by the arbitrator in question. As such, arbitrators are encouraged to confer with a view to having scores that are within the same band ((50 – 59 = improvement needed); (60 -74 = good); (75 - 90 = very good); (91 - 100 = excellent)) or otherwise generally within 10 marks.
- 19. Criteria and guidelines to be regarded in the evaluation of the oralists are available in Annex 1 to the present Rules.



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20. For educational and training purposes, the eVis Pre-Moot organizers will record scores for both the general *and* elimination rounds.
21. Scores will be notified to each team as soon as practicable after each argument.
22. The eVis Pre-Moot organizers shall notify teams as soon as practicable after the general rounds of those teams who have qualified to the elimination rounds.

Annex 1 – Scoring Criteria and Guidelines

Criteria to be regarded in the evaluation of the oralists are

1) Organization and Preparation

- Does counsel introduce himself or herself and co-counsel, state whom he or she is representing, introduce the issues and relevant facts clearly, have a strong opening, present the arguments in an effective sequence, and present a persuasive and generalized conclusion?
- Is counsel clearly prepared and familiar with the authorities on which his or her arguments rely? If rebuttal is used, is it used effectively?

2) Knowledge of the facts and the law

- Does counsel know the facts and the relevant law thoroughly? Is counsel able to relate the facts to the law so as to make a strong case for his or her client?
- Does counsel present arguments which are logically plausible and legally tenable. (Please recall though that you are not assessing the success or otherwise of the legal argument itself).

3) Presentation

- Is counsel's presentation appropriately paced, free of mannerisms and loud enough?
- Does counsel use inflection to avoid monotone delivery, make eye contact with the arbitrators and balance due deference with a forceful and professional argument? Is counsel poised and tactful under pressure? Most importantly, is counsel's presentation convincing and persuasive, regardless of the merits of the case?

4) Handling Questions

- Does counsel answer questions directly and use the opportunity to turn the question to his or her client's advantage?

Scoring Sheet Guideline

Excellent (91-100)

As this is a Pre-Moot, oralists arguments are still in development, it is not expected that any team should receive an Excellent Score (90 - 100), unless they present a flawless argument and showcase a significant knowledge of the law.

Very good (75 - 90)

Illustrates a strong command of the relevant facts and laws to the case
Only minor presentational flaws
Strong command on how to utilize citations

Good (60 - 74)

- Understands the order of the arguments
- Illustrates some strong arguments
- Responsive to questions posed at basic level
- Provides known citations for the case
- Illustrates a general command of the facts and the record

Needs Improvement (50 - 59)

- Poor management of time
- Poor structure of argument
- Poor understanding of the facts and record of the case
- Non-responsive to questions posed by the arbitrator
- Lacks knowledge on law and facts
- Unprofessional demeanor and poor body language