

STRUCTURE OF THE ORAL ARGUMENT FOR THE VIS MOOT

PITT LAW

UNIVERSITY OF PITTSBURGH



Center for International Legal Education

The set-up



THE RULES



Center for International Legal Education

Venue

- ▶ The oral hearings will be held primarily at the Faculty of Law (Juridicum) of the University of Vienna, Schottenbastei 10–16, A–1010 Vienna, with additional hearings at offices of nearby law firms.



General rounds

▶ Each team will argue **four times** in the general rounds, **twice as claimant** and **twice as respondent**. In its first two oral hearings, each team will argue once as claimant and once as respondent. The respondent will be the team that prepared the memorandum for respondent in opposition to the memorandum for claimant that was sent to it. In its third and fourth oral hearings the teams will argue against teams with which they were not paired for the purpose of preparing written memoranda.

Scheduling

- ▶ The general rounds will be scheduled so that, in principle, **each team will argue once per day**, Saturday through Tuesday. If it is not possible to schedule in this manner, **a team may be scheduled to argue twice on the same day** with no argument on one of the three other days of the general rounds.



Duration of oral presentation

- ▶ The oral presentation of each team is, in principle, **thirty (30) minutes**. The team should **allocate equitably the time available to the two individual advocates**. However, the arbitral tribunal may exceed the time limits stated so long as neither team is allowed more than forty-five (45) minutes to present its argument, including the time necessary to answer the questions of the tribunal. It will be the responsibility of the tribunal to ensure that the teams are treated fairly.

arguments

▶ Claimants and respondents in their **first hearing should expect to rely on the arguments given in their written memoranda or to be prepared to justify why that position has been abandoned.** In subsequent hearings arbitrators may be less demanding on this score as it is expected that teams will improve their arguments during the Moot.

Questions by arbitrators

▶ The arbitrators are requested to act during the oral hearings the way they would in a real arbitration. There are significant differences in style dependent both on individual personalities and on perceptions of the role of an arbitrator (or judge) in oral argument. **Some arbitrators, or arbitral tribunals, may interrupt a presentation with persistent or even aggressive questioning. Other arbitrators, or arbitral tribunals, may listen to an entire argument without asking any questions. Therefore, teams should be prepared for both styles of oral presentation.**

Order of presentation and rebuttal

- ▶ Some panels of arbitrators will ask one team to present its argument on all of the issues before the other team is permitted to present its argument. Other panels of arbitrators will ask both teams to argue one issue first before they both argue in respect of a second issue. **Normally the party who has raised the issue will argue first. Therefore, normally the claimant would argue first, if it is to present its arguments on all of the issues before the respondent is permitted to argue.** However, if the **respondent** has raised an objection to the jurisdiction of the Arbitral Tribunal or other such defense, **the panel would normally ask it to present its arguments on that issue before the claimant responds to it.**
- ▶ **The arbitrators will decide whether rebuttal arguments will be permitted.** Whether or not rebuttal will be allowed can be expected to change from one argument to the next.

exhibits

▶ **No exhibits** may be used during the oral arguments that do not come directly from the Problem. Exhibits that are designed to clarify time sequences or other such matters may be used, but only if the arbitrators and the opposing team are in agreement. For technical reasons the exhibits may not consist of overhead or Power Point projections or require the use of a stand.



Scoring

- ▶ **VIS**: Each arbitrator will score each of the orators on a **scale of 25 to 50**. The scores of the two orators will be added to constitute the **team score** for that argument. Therefore, each team could score a **maximum of 100 points per arbitrator per argument**, or a theoretical maximum of 1200 points for the four arguments. Arbitrators will score the oral arguments without knowledge of the results of earlier arguments. Some arbitrators will have participated in evaluating the memoranda of teams whose oral arguments they later hear. Although they will be aware of their own evaluation of the memoranda, they will be without knowledge of the evaluations given by other arbitrators.
- ▶ **Middle East Pre-Moot**: Scoring should be done on a scale of 25 to 50 points for each of the oralists (25–30 = low; 31–35 = average; 36–40 = good; 41–45 = very good; 46–50 = excellent). Each of the orators will have his scores averaged, and the orator with the highest average will win the Best Oralist award.

Team communication

- ▶ In each oral hearing two members of the team will present the argument. **No communication with other members of the team who may be present at the hearing is permitted.**



STYLE AND FORM



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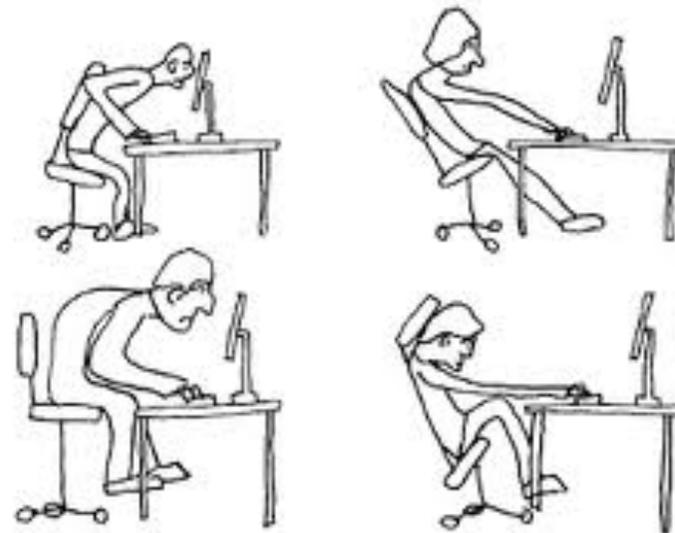
ORDER OF THE ARGUMENTS

- Procedural versus Substantive
- Order of the Arguments
- Working it out beforehand
- Discussing it with the other team
- Presenting it to the Arbitrators



STYLE: ACTING

- Posture
- Tone of Voice
- Attitude
- Dealing with a hard question



BAD POSTURE (EXAMPLES OF)

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