



Chartered
Institute of
Arbitrators
CI Arb



The Chartered Institute of Arbitrators (Australia Branch) & NSW Young Lawyers International Law Committee

Present

CI Arb/YL International Arbitration Moot 2011

Saturday 10 September 2011

Australian International Disputes Centre | Sydney | Australia

In May 2009, in co-operation with the Chartered Institute of Arbitrators Australia (CI Arb), the International Law Committee staged the inaugural CI Arb/YL International Arbitration Moot. This co-operation will continue in 2011, with the third CI Arb/YL International Arbitration Moot to be held on 10 September 2011.

Attracting participants from Perth and Brisbane, this event is a showcase of the appeal of arbitration amongst young lawyers and has cemented its place as a progressive and high quality competition. This event is also a great opportunity to experience the real world of arbitration and network with some of the pre-eminent professionals in the field to discuss the recent changes to both the state and federal legislation on arbitration.

The Competition's main prize for Best Orator, won last year by Derek Wong, is a place in the *Diploma in International Commercial Arbitration Course*. The course is run jointly by the Chartered Institute of Arbitrators Australia and the University of New South Wales. The prize is valued at over \$7,000! Other prizes are awarded for 'Winning Team', 'Best Written Submissions' and 'Spirit of the Arbitration Moot'. Prizes last year for these categories were kindly donated by **The Federation Press**, **Oxford University Press** and **Cambridge University Press**.

Frequently Asked Questions

Applying to participate in the Moot

Q. Who can apply to participate in the Moot?

A. We welcome Young Lawyers (lawyers under the age of 36 or in their first five years of practice) and law students from around the country to apply to compete in this unique competition.

Q. When are Applications due and what do we submit?

A. Interested applicants should submit the following documents on or before **18 July 2011** to the Chair of the International Law Committee at intlaw.chair@younglawyers.com.au

1. One page CV;
2. Proof of identification (Law Society practising certificate, student card or licence);
3. A paragraph as to why you are interested in competing in this Arbitration Moot Competition.

Q. Am I guaranteed a place in the moot if I apply?

A. No. Successful participants will be chosen from all applicants based on criteria identified at paragraph 13 of the Moot Guidelines. Successful participants shall be selected using the following criteria:

Demonstrated arbitration interest (5 points)

Relevance to Career (5 points)

Mooting experience (5 points)

Academic ability (5 points)

Enthusiasm (5 points)

The above will be tallied and participants selected based on the highest scores.

Q. Is there a registration fee payable if I am accepted as a Moot participant?

A. Yes. The registration fee for successful applicants is \$20 for law students and unemployed young lawyers. The fee is \$50 for employed young lawyers.

Q. Can we apply as a team?

A. No. Applications are to be made on an individual basis. The Moot organisers will allocate teams consisting of two successful applicants. Where possible, a team will include one young lawyer and one student. Alternatively, we will endeavour to partner more experienced lawyers with less experienced lawyers.

Applicants are welcome to express a preference to be paired in a team with another applicant, but the Moot organisers will ultimately determine the team pairings on the basis of the experience of individual applicants.

The prize for Best Orator will be awarded to the participant with the highest aggregate score in the general rounds alone and there is no requirement that the Best Orator be a member of a team that proceeds to the finals.

Subject Matter of the Moot

Q. What form will the problem question take?

A. The problem question involves a contractual dispute about the sale of goods between two companies located in different countries. The problem question for the Moot typically takes a similar form to the problem questions for the Willem C Vis International Commercial Arbitration Moot. You can review past Vis Moot problems here: <http://www.cisg.law.pace.edu/vis.html>

Q. What issues usually arise in the Moot Problem?

A. The issues that arise in the Moot Problem typically fall within one of two categories:

1. *Procedural issues*: These issues arise under the terms of the arbitration agreement itself and under the rules of the particular arbitration institution (eg ACICA) chosen by the parties to govern the arbitration. A question may also arise as to the jurisdiction of the Tribunal to hear the dispute. The law governing the arbitration agreement (*lex arbitrii*) will also be relevant to a determination of procedural issues.
2. *Substantive issues*: These issues relate to the parties' rights and obligations arising from the contract between them for the sale of goods. The United Nations Convention on Contracts for the International Sale of Goods (CISG) governs the parties' rights and obligations under the contract. For example, questions may arise about: the conformity or otherwise of goods provided by the seller under the contract; the seriousness of the alleged breach (fundamental or not); and the remedies available to the non-breaching party (avoidance, restitution or damages).

Preparation for the Moot

Q. What research resources should I use in preparing for the Moot?

- A. A research tips sheet will be circulated to successful applicants in due course. A good starting point is to review the Vis Moot website and the authorities referred to in the winning memoranda posted on that website.

Q. How long will we have from the release of the problem question to the time to submit written submissions and to the Moot itself?

- A. Teams and the moot problem will be allocated on Friday **22 July 2011**. Participants will then have less than **six weeks** to prepare and submit written submissions for both the claimant and the respondent by **2 September 2011**. The oral pleadings will be heard one week after the filing of written submissions, on Saturday 10 September 2011.

Q. What is the required length of written submissions?

- A. The written submissions are restricted to 1000 words for each of the claimant and respondent submissions, and are therefore intended only to be basic outlines of submissions. See Moot Guidelines for formatting requirements.

Q. How many days can I expect to work on the preparation of written submissions?

- A. Obviously, teams can put as much or as little time into the preparation of written submissions as they like.

Ideally, teams should devote some time before the release of the Moot Problem to familiarise themselves with: (1) the basic concepts of international commercial arbitration and international sales of goods; and (2) the relevant textbooks and online research resources.

As a rough minimum estimate, teams should be prepared to devote between four to six days researching and preparing both written and oral submissions.

Q. Do the written submissions count towards a team's performance in the oral argument?

- A. No. The written submissions will be judged prior to the oral submissions and a prize will be awarded to the team with the best written submissions. The scoring of oral submissions will be based on the performance of individual speakers on the day.

However, we note that the quality of these submissions can be very valuable throughout the oral competition since much of your oral argument will stem from your written submissions.

Q. How long does each speaker have for oral submissions?

- A. Each team has 22 minutes to present its arguments. The recommended break down of this time is ten minutes for each speaker and two minutes in reply to those speakers who argue on particular issues first.

Q. Are teams free to determine how they split their arguments between speakers and the order of presentation?

- A. Although this is a matter for each team, it is usually convenient to divide the speaking roles between procedural and substantive issues. Prior to the commencement of oral argument, opposing teams should seek to agree on the parties' preferred order of argument. Typically, the respondent will raise any objections to jurisdiction or compliance with procedure first, and the claimant will go first on the substantive issues arising from the sales contract.