



## 10<sup>th</sup> Annual Tbilisi Vis Pre-Moot General Rules

### Team Registration and Program Fees

The Tbilisi Vis 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.

### Arbitrator Eligibility

Team coaches, former moot participants, lawyers, dispute resolution professionals, and contracts professionals are encouraged to serve as arbitrators. Team members are not eligible to serve as arbitrators.

Arbitrators will receive links to resource materials that include an “Arbitrator Briefing.” Arbitrators are required to watch the Arbitrator Briefing, prior to judging any argument.

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.

### Virtual Oral Hearings

The oral hearings will be held in the form of a virtual hearings by use of a videoconferencing platform. Detailed instructions on how to connect to the platform hosting the hearings will be provided to teams and arbitrators at least 24 hours prior to any scheduled argument.

Unlike in-person pre-moots, arguments are scheduled to accommodate multiple time zones. As such, it is challenging to accommodate last minute scheduling changes and the organizers 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 a scheduled argument.

### Team Conflicts

Upon distribution of the 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 CLDP Attorney Advisor Skip Mark at [tmark1@doc.gov](mailto:tmark1@doc.gov) at the earliest opportunity to enable a scheduling change. Depending on the timing of the notification, the Moot organizers may not be able to schedule a substitute round.

### General Rounds

Each team will argue a total of four times in the general rounds, twice as claimant and twice as respondent. The times of oral hearings will be in Georgia Standard Time (**GMT +4**). Teams are responsible for accounting for the difference in time zones and ensuring their prompt arrival. Each general round is scheduled to last one hour and forty-five minutes.



## **Length of argument**

The oral presentation of each team is, in principle, thirty (30) minutes. The team should allocate equitably the time available to the two individual counselors. However, the arbitral tribunal may exceed the time limits 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.

## **Order of presentation**

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. The tribunal may encourage parties to agree on the order of presentation and transact proceedings according to their agreement if acceptable to the tribunal. It is up to the tribunal to decide whether rebuttal arguments will be permitted.

## **Facts**

The facts in the dispute are given in the 2021 Vis Moot Problem. Facts alleged in the statement of claim and statement of defense, including the exhibits to those statements as well as in the clarifications, are taken to be correct unless they contradict. No additional facts may be introduced into the Moot unless they are a logical and necessary extension of the given facts or are publicly available true facts. Please review the 2021 Vis Moot [problem](#) prior to the Pre-Moot event.

## **Questions from arbitrators**

There are significant differences in style, dependent upon individual personalities and perceptions of the role of an arbitrator (or judge), in oral arguments. 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.

The presiding arbitrator of a panel should feel free to control the proceedings. Proceedings may be conducted in different ways, so long as basic considerations of fairness to the two teams are observed.

## **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 agree. For technical reasons, the exhibits may not consist of overhead or Power Point projections or require the use of a stand.



## Memoranda

The memoranda prepared in the written phase of the Moot will not be distributed to arbitrators. The memoranda are certainly relevant to the oral arguments. However, between the time the teams submitted their memoranda and the time of the oral arguments, they undoubtedly have gained more knowledge about the issues. The learning experience is intensified during the oral arguments. The Moot is an educational experience, and the students should not be precluded from using the insights they may have gained from other teams' memoranda or earlier arguments in which they have participated or that they may have observed.

## Evaluation

Although the Pre-Moot is a non-competitive experience, scoring helps students and coaches assess the level of preparation of each student and their progress. For this reason, we ask all arbitrators to score the students pursuant to the below instructions.

The arbitrators are also encouraged to give oral evaluations/feedback to students' performances. An oral evaluation by the arbitrators immediately following the argument is often the most valuable aspect of the Moot/Pre-Moot for the students. The students appreciate knowing what they did well and in what respects they could improve at this early stage of preparation.

## Scoring

Scores may vary from 50 to 100 as per the following:

- Excellent: 91-100
- Very Good: 75-90
- Good: 60-74
- Improvement needed: 50-59

The scores of each orator should be determined on an overall evaluation of his or her presentation. Each orator should be judged on his or her ability to argue the assigned position and must not be judged on the merits of the case. An argument that shows a thorough knowledge of the relevant law and the facts, and creative analysis, may be even more impressive when the student is representing what would seem to be the losing part in the eyes of the arbitrators.

Mistakes or difficulty in use of the English language will not be penalized when the team, or the individual orator, is not a native English speaker. On the other hand, no extra points should be awarded to teams or orators to compensate them for competing in a foreign language. Prior to judging an argument, each arbitrator will receive a link to a scoring form to be completed after the completion of the argument. 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.



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

## Criteria

Criteria to be regarded in the evaluation of the orators 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?

### (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?