Twenty-Third Annual
WILLEM C. VIS EAST INTERNATIONAL COMMERCIAL ARBITRATION MOOT

15 – 22 March 2026

GENERAL INSTRUCTIONS FOR ARBITRATORS

General Guidelines. *Please ensure you arrive at the Vis East Moot Centre, Vis Centre, 2nd Floor, The West Wing, Justice Place, Central, Hong Kong at least* ***15 minutes*** *prior to the time you are scheduled to hear an argument.* You can check in and meet your fellow panelists and decide on how to proceed.

The Vis East Moot, as an educational venture, is intended to be as close a simulation of what would happen in a real international arbitration as possible. That sometimes conflicts with the reality that the Vis East Moot is a student competition. We would ask you to balance those considerations as best you can. Be honest in your comments but remember also to be kind and encouraging.

The students will not know what to expect in the oral arguments. They will, however, assume that all tribunal members are familiar with the facts as set out in the Problem, Clarifications and the Memoranda. The Problem w/PO2, the Rules Booklet, and Arbitrator's Analysis are all available on the Vis East Moot website as well as on your Vis East Moot APP (available on both the Apple Store and Google Play Store).

Moot courts are common in law school education programs in some countries, rare in many, and unknown in others. However, even those students who have participated in moot courts in their own country will have had no experience presenting their arguments to a panel that consists of lawyers or law professors from other legal traditions. The Vis East Moot will give them experience in making a presentation to such a panel.

Presiding Arbitrator of the panel. Generally speaking, the person listed first in the list of arbitrators for each panel is expected to act as the presiding arbitrator of the panel. However, each panel is free to choose its presiding arbitrator.

Length of argument. Arguments are scheduled to be one hour in length, with prolongation possible to a *maximum of one and one half hours*. Within the general time-limits the panel should feel free to allow a team to argue in rebuttal, whether or not time for rebuttal was asked for at the beginning of the argument. It is not necessary that the two teams or the two members of a team argue for exactly the same amount of time. However, considerations of fairness in the evaluation call for each of the four students to have an equivalent amount of time to present his or her argument.

The students are responsible for keeping to their allotted time, but one panel member should also keep track of time.

Arguments have been scheduled every two hours in each of the hearing rooms. Thus, it is important that you ensure that the teams and the tribunal vacate the room in sufficient time for the next argument to begin on time.

Memoranda. The memoranda prepared in the written phase of the Vis East Moot are available on your Arbitrator Account for your information. Please log into your Arbitrator Account (including your APP!), click on MENU on the top right corner, then click on Oral Arguments. The memoranda are hyperlinked in the oral arguments which you are scheduled to sit as an arbitrator.

You are not responsible for evaluating them. That is the task of a different group.

The memoranda are, however, relevant to the oral arguments. First of all, they will give you some insight into the approach that that team has taken to the facts and the law. Please note, however, the students are not required to present oral arguments that are consistent with the written arguments they have made as the teams will have evolved their arguments during the oral arguments preparation stage. The Moot is an educational experience, and the students should not be precluded from using the insights they may have gained from earlier arguments. This is particularly true in regard to the arguments of the respondent, since those arguments were prepared in response to the memorandum of a particular claimant's memorandum. It is obvious that the respondent may have to change its argument to meet somewhat different arguments of a different team representing the claimant.

Questions from arbitrators. Different legal traditions have different attitudes as to whether judges - or arbitrators - should allow the lawyers to make their presentations without interruption or whether active questioning is allowed or expected. One of the benefits of the Vis East Moot is that it exposes the students to these different approaches. Therefore, arbitrators are strongly urged to refrain from questioning if they would refrain from asking questions in a real arbitration or, if they would ask questions, they should be the same questions they would ask in a real arbitration.

IMPORTANT. It is particularly important that arbitrators not ask questions whose sole purpose is to test whether the students have understood the problem and the law or to make the oral arguments "interesting". Such questions are not appropriate in the Vis East Moot as it attempts to simulate a real arbitration. This is the single most frequent criticism that has been made of some arbitrators in past Vis East Moots.

The presiding arbitrator of a panel should feel free to control the proceedings in the argument as s/he might in a real arbitration. (This includes diverting a co-arbitrator from a line of questioning which appears to contravene the guideline in the preceding paragraph.) The organizers of the Vis East Moot do not consider it a disadvantage if different panels conduct the proceedings in different ways, so long as basic considerations of fairness and equality to the two teams are observed.

Evaluation. Separately from the scoring, after an argument the arbitrators are encouraged to give the students oral evaluations of their performance. An oral evaluation by the arbitrators immediately following the argument is often the most valuable aspect of the Moot for the students. The students appreciate knowing what they did well and in what respects they should improve. If it is necessary to vacate the room before a full evaluation has been completed, the arbitrators may wish to accompany the students outside to a corridor or coffee shop to continue with the evaluation.

Scoring. Paper copies of scores are **no longer** available. All arbitrators are required to submit their scores virtually, whether through the Vis East Moot APP (which is highly encouraged) or using the QR code that will be provided for each hearing room.

During the history of the Vis East Moot, the system of scoring the oral arguments has been the most controversial aspect of the Moot's organization. Various alternatives have been proposed. We have devised a set of specific criteria, but without giving them any particular value or weight. You can find these criteria at the end of these instructions. Please familiarize yourself with these criteria before your first argument at Vis East, as we hope they will help to make the scores coherent.

- There are two oralists per team per argument. The total possible score to be given by each arbitrator to a team is 200 points, *i.e.* 100 points for each oralist.

- Scoring should be done on a scale of 50 to 100 points for each of the oralists: (50 - 59 = needed improvement); (60 - 74 = good); (75 - 90 = very good); (91 - 100 = excellent)). The total for each team, per arbitrator, will therefore be between 100 to 200 points in each round.

- The scores of each oralist should be determined on an overall evaluation of her/his presentation. Oralists should be judged on ability to argue the assigned position and **must not be judged on the merits of the case**. They are not responsible for the fact that they are arguing for a party that the arbitrators believe should lose the case on a jurisdictional question or on the merits.

- The issues to be argued are set out in Procedural Order No. 1. In particular, as important as it is in practice, **counsel are <u>not</u> to argue the allocation of costs**.

- Each arbitrator is expected to make an individual decision as to the score to be awarded. Arbitrators should confer with each other in evaluating the individual oralists, but should not attempt to reach a collective decision on the scores to be awarded. However, all three arbitrators scores should normally be within a range of 10 points of each other.

- Mistakes or difficulty in use of the English language should not be penalized when the team, or the individual oralist, is not from an English speaking country. On the other hand, no extra points should be awarded to teams or oralists to compensate them for competing in a foreign language. Arbitrators would not give extra consideration to the language capabilities of the lawyers when reaching their decision in a real arbitration. That must hold true in the Vis East Moot.

- The panels <u>never</u> announce a winner of an argument in the hearing room for the General Rounds. There are no winners or losers of the arguments for the General Rounds, which are held on Monday, Tuesday, Wednesday and Thursday. All that counts is the score that you award to the four oralists.

  - The thirty-two teams with the highest total scores in the four arguments of the general rounds will enter the Round of 32 on **Friday morning at 9:00am** and **11:00am**.

  - The winners of the Round of 32 will meet in the eighth-finals on **Friday afternoon at 3:00pm**.

  - The winners of the eighth-finals will meet on **Saturday at 9:00am** for the quarter finals.

  - The winners of the quarter-finals meet on **Saturday at 1:00pm** for the semi-finals.

  - The two winners of the semi-finals will compete in the final round at **9:15am on Sunday**.

  It is extremely important to judge each oralist independently of the performance of the other three oralists. In particular, arbitrators should

attempt to avoid the "halo effect" by which the performance of one or both oralists on a team are measured against the performance of the other team.

Criteria in the evaluation of the oralists (see Appendix 2 of the 23rd Vis East Moot Rules on our website for further details):

IMPORTANT! The score you give should represent the performance of the students in each argument. It must not reflect their performance in other arguments, the reputation of the law school or your judgment of the merits of the case.

GUIDELINES FOR EVALUATING ORALISTS:

PRESENTATION SKILLS
Clear and confident speech
Well-modulated vocal tone and speed
Good body language and posture
Maintenance of eye contact
Absence of nervous "tics" (eg; clicking pens)

STRUCTURE OF ARGUMENT
Effective introduction and conclusion
Clear and logical structure
Clear and correct identification of issues
Good use of time (prioritization of issues, respects time limits)

CONTENT OF ARGUMENT
Strength of legal argument
Use of authorities
Use of facts in record
Relevance and persuasiveness of policy arguments

RESPONSE TO QUESTIONS
Understanding of questions
Answers responsive to questions asked
Integration of answers into argument
Handling irrelevant or erroneous questions

ETIQUETTE AND TEAMWORK
Proper introduction of self and other(s)
Respect for opposing counsel and tribunal
Correct reference to exhibits, citations, authorities
Effective communication with partner during argument