



CAM-CCBC PRE-MOOT 2021 RULES

I. The CAM-CCBC Pre-Moot

1. The CAM-CCBC Pre-Moot is a preparatory competition for participants of the Willem C. Vis Moot ("Vis Moot"), the most acclaimed international commercial arbitration moot court competition. The Center for Arbitration and Mediation of the Chamber of Commerce Brazil-Canada ("CAM-CCBC") is committed to encouraging academic studies in arbitration and to increasing awareness of alternative dispute resolution mechanisms. That is why the CAM-CCBC is devoted to organizing this pre-moot and to supporting similar initiatives.

II. Organization of the CAM-CCBC Pre-Moot

2. In 2021, the CAM-CCBC will host its first virtual edition of the competition, following the format adopted by the Vis Moot as well as public health recommendations.

3. **Date and Venue.** The oral hearings will be conducted on a virtual platform on 27 and 28 February 2021. In the event that there are changes in the global scenario which allow for in-person hearings by then, the CAM-CCBC Pre-Moot may adopt a hybrid format.

4. **Language.** The Pre-Moot will be conducted in English.

5. **Rules.** These are the rules applicable to the CAM-CCBC Pre-Moot 2021. The Rules are reviewed annually and are subject to change from one edition to another. Reliance on any past rules or practices will not in itself be an acceptable excuse for the failure to comply with the rules of the current Pre-Moot.

6. **Problem.** The mock case to be used in the competition corresponds to the Twenty-Eight (2020-2021) Problem, available at the Vis Moot website as well as CAM-CCBC's Pre Moot website.

7. All communication regarding the Pre-Moot shall be sent by email to: mootcam@ccbc.org.br.

III. Team Registration & Selection

8. Registration is limited and will be accepted from 1 December 2020 until 7 January 2021. If the number of registered teams exceed our capacity for simultaneous oral hearings, the Pre-Moot administration shall, at its own discretion, choose between the registered ones. There is no registration fee or any other kind of fee involved.

9. **Contact person.** The registration form includes space for the name and address of the contact person. All communications concerning the Pre-Moot will be sent by e-mail to the nominated contact person. It is that person's responsibility to distribute all relevant material and communication to the team. Teams are responsible for ensuring that the contact person information contained in the team account is kept up to date.

10. **Composition.** Teams may come either from a law school or from another higher education institution that includes law as part of its program of study. Each participating law school or other

institution may enter one team for the Vis Moot and another team for the Vis East Moot, as long as each team presents its respective registration in the competition. A team is composed of two or more students duly registered as members of that team in the Vis Moot or the Vis East Moot. No student is allowed to participate in more than one team. Team members from the same institution are not allowed to interchange students between themselves.

11. **Team members and coaches.** The list of team members and coaches must be informed at the time the registration form is filled out. Members and coaches of the team may be dropped or added, but any changes in the composition of the team must be previously communicated, by e-mail, to the Pre-Moot administration.

12. Teams may include former participants. Students who have participated as orator in any elimination round hearings in a previous Moot, whether in Vienna or Hong Kong, cannot be an orator in this Pre-Moot, although they can be members of the team.

IV. Oral Hearings

13. **General Rounds.** Each team will argue four times in the General Rounds, twice as claimant and twice as respondent. Considering the logistics of the competition, it is not always possible to schedule the team's pleadings alternating between claimant and respondent.

14. **Duration of Oral Presentation.** The oral presentation of each team shall be made in thirty (30) minutes. The team should allocate equitably the time available to the two individual orators. 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.

15. **Questions by Arbitrators.** The arbitrators are requested to act during the oral hearings the way they would in a real arbitration, taking into account that this is an educational exercise. 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.

16. **Order of presentation.** Some panels of arbitrators will ask one team to present its argument on all 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 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.

17. **Rebuttals.** 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.

18. **Exhibits.** No exhibits may be used during the oral arguments that do not come directly from the Problem.

19. **Scoring.** Each arbitrator will score each of the orators on a scale of 50 to 100. The scores of the two orators will be added to constitute the team score for that panel. Therefore, each team could score a maximum of 200 points per arbitrator per panel, or a theoretical maximum of 2400 points for the four panels. Arbitrators will score the oral arguments of the panel without knowledge of the results of earlier panels.

20. The individual score given to an orator by an arbitrator is entirely within the discretion of that arbitrator. There is no requirement that the arbitral panel agrees on scores. However, the

arbitrators may, and are strongly encouraged to, discuss scoring at the end of a hearing and prior to submitting the scores to the administration, in order to standardize the scores given, so that great discrepancies do not occur.

21. **Elimination Rounds.** After the general rounds, the scores of each team for its oral presentations in the four panels will be totaled. The eight teams that have obtained the highest composite scores will meet in the first round on Sunday, 28 February 2021. In the elimination rounds, only one team per law school or other institution is allowed to compete. If two teams of the same law school or other institution are ranked within the eight highest scores, the one best ranked will remain and the other will be replaced by the eliminated team with the best score. If there is a tie for 8th place, the decision as to which team will enter the elimination rounds will be determined by lot. The teams will be paired so that the first and eighth, second and seventh, so forth, will argue against one another.

22. **Final Round.** The four winners of the Quarter-Final Round will meet in the Semi-Final Round. The two teams not selected for the Final Round will meet in the Third Place Round. The two winners of the Semi-final Round will meet in the Final Round.

23. **Claimant or respondent.** If the two teams in any of the elimination rounds, including the final round, argued against one another in the general rounds, they will argue for the opposite party in the elimination round. If they did not argue against one another in the general rounds the determination as to which team will be claimant and which will be respondent will be done by lot. In the following rounds, when one of the two teams in the preceding round was claimant and the other was respondent, they will argue for the opposite party for which they argued in that preceding round. If both teams argued for the claimant or both argued for the respondent in the preceding round, the decision as to which team will be claimant and which will be respondent will be determined by lot.

24. **Winning Teams.** The winning team of the oral phase of the Pre-Moot is the team that wins the final round. The team that is voted as best in the Third Place Round is the second placed team. The team that is not voted as best in the Third Place Round is the third placed team.

25. **Oralists.** The CAM-CCBC Pre-Moot will award the three (3) Best Individual Oralists according to the General Rounds results of the individual oralists with the highest average scores. To be eligible for this award an oralist must have argued at least once for the claimant and once for the respondent during the General Rounds.

26. **Prizes.** For the past years, CAM-CCBC has been dedicated to sponsoring teams in order to enable the students to travel to Vienna and Hong Kong for the oral parts of the Vis Moot. In this sense, the CAM-CCBC provided financial support through sponsorships as well as prizes for the prevailing teams in the elimination rounds. However, the global pandemic of Covid-19 has changed the dynamic of the Vis Moot and has led to a shift from in-person hearings (whether in Vienna or Hong Kong) to remote hearings. Since travelling will no longer be required, the Pre-Moot Organization had to rethink its prizes, which will be announced in the future.