

NINTH LL.M. INTERNATIONAL COMMERCIAL AND INVESTMENT

MOOT COMPETITION Washington, D.C., April 8 - 9, 2022

Virtual Hearing Rules

Introduction

The Virtual Hearings Rules (Virtual Rules) will replace the oral in-person hearings of the 2022 LL.M. International Commercial Arbitration Moot Competition (Competition) scheduled April 8-9, 2022, in Washington, D.C. due to the COVID-19 pandemic.

The Rules for Virtual Hearings are intended to replace (where indicated) and otherwise supplement the existing [Rules of the LL.M. Moot \(the Rules\)](#) for the purpose of the participation in the online oral hearings. For all other aspects of the Moot, the Rules remain unaffected.

All hearings will take place according to Washington DC time (US EST).

Eligibility

All registered teams which have submitted both the claimant's outline and a respondent's outline are eligible to take part in the Virtual Moot.

Modality

All hearings will take place virtually. However, teams are welcome to travel to D.C. and argue from the WCL campus virtually. We will assign a room to each visiting team. Teams that plan to visit D.C. and argue from the WCL Campus must:

- a) Let us know by March 30, 2022, by sending an email to arbitration@wcl.american.edu.
- b) Follow the AU COVID Protocol (vaccination or negative PCR test is mandatory).
- c) Bring the necessary electronic equipment to participate via Zoom.

Have a stable internet connection. Team members and other participants must have a stable Internet connection (with a recommended Internet bandwidth of 25 mbps) to participate in the virtual hearings. Participants may test their Internet speed at www.speedtest.net. Participants must take the necessary technical precautions regarding their equipment and ensure they will have access to a reliable Internet connection for at least two and a half hours without interruption. Participants must ensure, as much as possible, that they are located in a quiet setting allowing for smooth and uninterrupted connection for the entire duration of the hearing in which they are participating.

The two speakers of a team and the desk counsel (if they deem it convenient and the health regulations of the place allow it) may argue together in the same room. The rest of the team, including the coaches, must

enter the hearing via zoom and cannot be in the same room as the speakers and desk counsel while the hearing is taking place.

When a team argues from the WCL campus, the rest of the team could join the oralists in the room. In that case, the organizers will assign an observer who will be always present during the hearing.

The Speakers and desk counsel are allowed to share the camera/laptop. The laptop must be used primarily for Zoom and for personal notes and strictly pertinent to the oral presentation.

Procedure for Participating in the virtual hearings

1. Teams and Arbitrators participating in the online hearings will receive from the organizers the following information:
 - a. the date and time of the hearing (all hearings take place according to D.C time)
 - b. the Zoom link to access the virtual hearing room.
2. Team members must rename their Zoom profile using the following format for your name: Team Number | Name | Role.

Example: Team 5 (claimant) faces Team 10 (respondent). The team members should identify themselves in Zoom the following way:

5, John Smith, Claimant

5, Mary Jones, Claimant

5, Desk Counsel, Claimant

10, Peter Garcia, Respondent

10, Jane Johnson, Respondent

10, Desk Counsel, Respondent

The observers for each team should remain anonymous and identify with the team number the following way:

Team 5 Participant

Team 5 Coach

Team 10 Participants

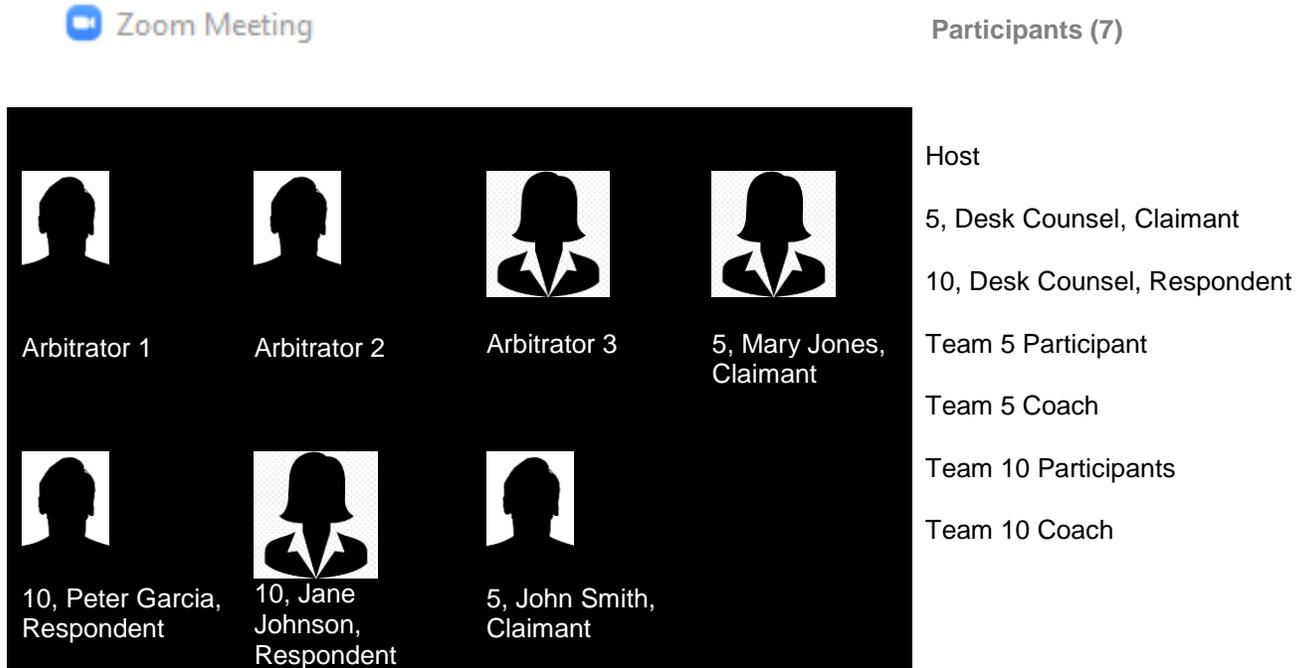
Team 10 Coach

If the oralists share the camera, they should identify in zoom as 5, John Smith – Mary Jones, Claimant.

Arbitrators should include their full name.

Please note that only team members or persons directly affiliated with a team may access zoom.

Structure of the Zoom Hearing:



3. Use of Camera and Microphone. The two oralists and the arbitrators are required to always have their faces clearly visible. The desk counsels, coaches and other members of the team must turn off their videos. Speakers are encouraged to ensure that they have a consistent light source allowing their face to be clearly visible for the duration of their presentation. All participants are encouraged to take advantage of the opportunities provided by the host to test their connection and equipment before the hearing starts.

All participants, including the arbitrators are required to mute their microphones when not speaking. To minimize distractions and optimize sound quality in a virtual setting, participants must attempt to limit all sources of external or background noise. Participants must switch off their phones, computer notification sounds, and any other sources of noise that they can control before the beginning of the hearing.

4. During the hearing:

- Please remember that according to the Rules of the LL.M. Moot (3.2) participants are prohibited from the use of cellphones, PDAs or other electronic communication devices to support their oral argument. However, participants may use a watch for the purposes of keeping time. All such

devices, including cellphones must be turned off and removed from sight as soon as the arbitrators enter the room, and must thereafter remain off and out of sight until the conclusion of the oral round.

- Teams should remain anonymous. To ensure the anonymity, participants may not use or display elements that allow the country or university they represent to be identified.

Only the organizers are authorized to record the hearings.

Arbitrators and participants must join Zoom 15 minutes before the start of the hearing to troubleshoot connection problems. After joining via the Zoom link, the host will admit the participants of both teams as soon as possible and the arbitrators will be assigned to a room, (via the "Breakout Room" feature on Zoom). This is also a good opportunity for the teams to agree on time usage and

5. At the beginning of the hearing arbitrators will introduce themselves briefly. Teams should remain anonymous. Immediately after, participants should state their names. The arbitrators should write the names down on the score sheet.
6. The chair of the arbitral tribunal will read out the following text, once for each team:
"Do you, the students of [TEAM NUMBER X and X], arguing on behalf of the Claimant/Respondent, solemnly promise that you will comply with the Rules of the LL.M. Arbitration and that you will not communicate with or in any way receive help from your coaches, fellow team mates or anyone else other than the second oralist or the desk counsel during this argument?" Both oralists in each team and the desk counsels must confirm that they will comply and act in accordance with the Rules.
7. Each team is responsible for keeping track of its time with the help of the desk counsel to ensure it does not take more than the 15 minutes allotted (including rebuttal or sur-rebuttal) without first obtaining permission from the tribunal.
8. The chair of the arbitral tribunal will ask the teams if they have reached an agreement on the time they would reserve for rebuttal or sur-rebuttal. Frequently, teams will suggest that each oralist take 14 minutes for their presentation, reserving one minute for rebuttal or sur-rebuttal. This is not mandatory, and the teams and tribunal may agree on any other distribution of time provided each team is given equal opportunity to present their arguments. The presiding arbitrator or another designated member of the arbitral tribunal will monitor the teams' timekeeping.
9. Each team member should speak for the same amount of time (+/- 2 mins). Usually the respondent begins by arguing jurisdiction. If there is no agreement between the parties, the arbitrators decide.
10. At the end of the arguments and questions, the arbitrators leave the virtual "room" to confer privately for a maximum of 10 minutes about scoring and comments. The participants will also be assigned to a private room as well as the observer
11. The arbitrators will then join the teams again for feedback for a maximum of 10 minutes. The arbitrators MUST NOT at any time divulge the scores to the teams. The teams then exit the room.
12. The scores of the general rounds will be collected by the organizers for the purpose of establishing which teams will proceed to the semifinals.

13. Role of the Desk Counsel

According to the Rules, the desk counsel helps the oralists in **keeping** time. Ideally the desk counsel should be in the same room with the oralist. If this is not possible, they should use the Zoom chat feature. **Only the oralist of a team and the desk counsel are allowed to use the in-meeting Zoom chat feature.**

Connectivity Problems

1. If a connection is lost due to a technical issue, the teams and arbitrators should try to re-establish connection. If it is impossible for technical reasons to complete the argument within the two hours, the presiding arbitrator may extend the time allowed by the Virtual Moot Rules for up to 15 minutes (a total of 2:15 minutes). This extra time is **only meant to address technical issues and not to extend the oral hearing for the purpose of extending the time for presenting arguments.**
2. If a connection of an arbitrator is lost during the session of the online oral hearing, the two remaining arbitrators will continue to conduct the online oral hearing. That arbitrator who was unable to participate in the entire session will score only the oralists he/she has heard. For the other oralist(s), the missing score will be reached by adding the average of the two arbitrators who were in attendance throughout the online session. If a second arbitrator loses the connection and cannot be reconnected within 15 minutes, the remaining arbitrator will complete the argument and a single score will be entered for each oralist for that argument and multiplied by three.
3. If an oralist is not able to complete his/her argument within the **extra time** that argument will be declared void by the tribunal. In case of a void argument, the scores of the remaining completed sessions of a team will be averaged to provide their missing scores. A minimum one completed session as claimant and one completed session as respondent is necessary for a team to remain in the competition.

Additional Rules

1. By participating in the LL.M. Moot Competition, all participants of the remote hearings consent that photographs and/or digital images (such as screen shots) are being taken of them for the use of promotional and/or educational materials. Participants agree to the use of their images for the described purposes and acknowledge that their identity may be revealed in connection with the published image(s). Participants authorize the use of these images without requesting any compensation. Consent to the use of photographs or any digital means can be withdrawn at any time by sending an email to arbitration@wcl.american.edu
2. By agreeing to participate in the LL.M. Moot Competition, a team or arbitrator acknowledges that the Organizers have full and final discretion in managing the Virtual Moot in order to ensure its implementation and to endeavor to make the hearings and scoring as fair as possible. The Virtual Moot is an “emergency measure” to overcome the restrictions in organizing in-person hearings during the COVID-19 pandemic. The LL.M. Moot Organizers are thus not responsible for the failure of any argument due to equipment or system failure of either the platform or of any participant. The LL.M. Moot Organizers will make their best efforts to resolve or mitigate problems in the best way possible. Questions about the Virtual Moot or clarifications should be sent to arbitration@wcl.american.edu