

Med. Elite Conference Services v. Eq. Control Supply



THE INTRODUCTION
TO YOUR ARGUMENT

Overview



1. Greet the Tribunal
2. State your Name(s)
3. Say what Side of the Action that you Represent
4. Explain the Division of Speakers' Issues
5. Theme

Greet the Tribunal



- [1] Good morning/Good afternoon
- [2] President Arbitrator and Members of the Tribunal
 - If you are feeling confident, you can call the arbitrators by name
 - Women are “Madame Arbitrator”

State Your Name(s)



- “My name is _____.”
- Speak slowly, everyone tends to rush saying their name. For foreign arbitrators, however, it will come across as too rushed and not confident.
- If you are the first person to speak (Procedure people), introduce your partner as well.
- “Along with my co-counsel, _____.”

Who You Represent



- After you introduce your name (and your co-counsel, if applicable), tell the Tribunal what side you are representing.
- Include the words “Claimant” or “Respondent”
- Follow with the name of the corporation
- “I represent the Claimant in this case, Elite Conference Services.”

Divide Roles



- SIMPLE: “I will argue the procedural issues in the case, and my co-counsel will argue the substantive matters.”
- COMPLEX: “Today I will address the procedural issues in the case, specifically whether the Tribunal has the authority to remove Dr. Mercado. My co-counsel will address the bribery claim, as well as liability and damages under the CISG.”

Theme



- **Claimant**

- Procedure: This is a case about the right of a party to choose its own counsel.
- Substance: Elite is here to restore its monetary losses and its business reputation.

- **Respondent**

- Procedure: This is a case about preserving the integrity of the arbitration.
- Substance: Control Systems was the victim of a series of unfortunate, uncontrollable events. Elite took advantage of that.

Putting it Together



- “Good morning **Mr. President and Members** of the Tribunal. My name is **Kimberly Stains**, and along with my **co-counsel, Ms. Sarah Miley**, I represent the **Claimant** in this arbitration, **Elite Conference Services**. Today, **I will present** the procedural issues, and my co-counsel will address the substantive matters. The procedural matter before the court today is whether to remove Dr. Mercado from our team of legal experts. At the end of the day, **the issue comes down to this: whether Control Systems can request to deny Elite its fundamental right to counsel**. We submit that it cannot for the following reasons. . .

Practice!

