

## Katerina's Vis Tips

- Binder – tabbed and highlighted w/ notes. Include:
  - Vis Problem
  - Vis Rules
  - Summary of Important Dates and Names in the Vis Problem
  - Claimant Memo
  - Respondent Memo
  - Memo of opposing team
  - Arbitration Rules applicable to the problem
  - UNCITRAL Model Law on International Commercial Arbitration
  - New York Convention
  - UNCITRAL Arbitration Rules
  - CISG
  - Any other applicable laws or conventions used in the problem
  
- Business Cards – include full name, name of university, email and position on team (Claimant Procedural, etc.)
- You will know the names of your three arbitrators ahead of time, practice pronouncing their last names.
- Always be prepared for a lot of questions but you must be prepared for no questions and be able to speak for the full 15 minutes.
- Always cite to the record when making an important factual argument/point. Start with the page number first and give the arbitrators a chance to flip to the page. Say “As seen on page 12, Claimant Exhibit Number 2, paragraph 4, the contract called for....” Pause after the citation, look up to see if the arbitrators are trying to get there themselves, then proceed. Always cite to the paragraph number as well to let the arbitrators know what in particular on that page you are referring to.
- Have your introduction and conclusion committed to memory – do not read any part of your argument! See examples of proper introductions but if going first, always:
  - Introduce yourself, your client, your co-counsel.
  - Give one sentence of what your main argument will be and the roadmap for how you will go about proving your main argument (2 or 3 or 4 main points).
  - Give one sentence summary of what your co-counsel will argue..
- Speak slowly – most arbitrators are not native English speakers so it is important to be clear,
- speak in a loud enough voice and speak slowly.
- Have a short statement of facts prepared ahead of time just in case you are asked to give a quick summary of the facts (rare, but better to be prepared).
- When you first walk in to the room, introduce yourself to the arbitrators and pass out your business cards. Make sure to address the arbitration panel by their proper titles and last names. Example: President Arbitrator Jones, Arbitrator Dr. Smith and Arbitrator Davis.

- Also introduce yourself to the opposing team, pass out your business card and discuss the order of arguments.
- On your table, do not have more than your binder, exhibits or cases you need and the summary of your argument on 1-2 piece of paper.
- Pour yourself a glass of water **before** the arbitration begins. Bring come cough drops just in case.
- Speak with your feet both on the ground, sit straight up, with your hands on top of the desk. Do not cross your legs, lean back on the chair or speak with your hands underneath the table.
- For ladies, make sure your hair is pulled back and not in your face. If you are constantly fussing with your hair or accessories, it can be very distracting for the arbitrators.
- Bring copies with you of any important cases, authorities, laws and provisions you plan to use in your argument. You must be prepared to hand a copy to the arbitration panel should they ask for it.
- Optional - organize all of your cases by alphabetical order and by subject along with a one line summary of why you used that case. When citing cases, properly cite to the court and country from which the case came from.
- Keeping time is vital. Work out a system with your partner that is seamless to others. Make sure to give incremental warnings. Leave yourself 30-45 seconds for a conclusion. If you run out of time you may kindly ask the tribunal if they could allow you to quickly conclude your submission.
- When one person is arguing, the partner must be attentive, flipping to the proper exhibits and provide assistance as much as possible. Exhibiting teamwork is always noticed and commended by arbitrators.
- When the other team is arguing, you must pay attention to what they are saying, flip along with them to the proper exhibits and remain attentive and engaged.
- Arbitrators will usually give comments and suggestions after the conclusion of an argument. Maintain eye contact, do not pack up your notes and materials, take notes on what they say and say thank you at the conclusion.
- Never directly address or point to the opposing team. You should address the arbitration panel only.
- Try to refer to the parties in the case by their actual names, avoid Buyer, Seller, Claimant, Respondent since it can get confusing.
- Rebuttal should be 1-2 minutes long, 1-2 points only and directly respond to the argument just made.
- If the arbitrators do not allocate time for rebuttal at the beginning of the arbitration, make sure you ask for rebuttal in your introductory remarks and allocate some of your time to rebuttal (it comes out of the 30 min per team if not otherwise decided by the arbitrators)
- For team members in the audience, take notes on your team members who are arguing and make sure to give constructive criticism. Arbitrators will often look at what team members in the audience are doing during the arbitration so remain focused and do not talk.
- Remember that this is not a hostile courtroom environment; remain cordial, conversational and smile!
- Always maintain eye contact with all three arbitrators.

- When you can, be responsive to the arbitrators. For example, if an arbitrator asks an opposing team member a question that is good for your client, during your argument, say “As Arbitrator Jones himself pointed out earlier, it was Respondent’s burden to prove....” Or “Arbitrator Jones correctly noted that...”
- Emergency answer if you really get stuck and cannot make any arguments or say anything in response: “I will file a supplemental brief with the panel tomorrow....”