



COURSE UNIT (MODULE) DESCRIPTION

| Course unit (module) title | Code |
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| WILLEM C. VIS INTERNATIONAL COMMERCIAL ARBITRATION MOOT II/II P. | |

| Lecturer(s) | Department(s) |
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| Coordinator: assoc. prof. dr. Eglė Zemlytė Other(s): teaching assist. Vytautas Vaicekauskas, lect. Pooja Damodaran | Vilnius University, Faculty of Law, Department of Private Law Saulėtekio av. 9, Building 1, LT-10222, Vilnius, 311 room, phone (8 5) 236 6170, e-mail: ptkatedra@tf.vu.lt |

| Study cycle | Type of the course unit (module) |
|-------------|----------------------------------|
| Second | Optional |

| Mode of delivery | Course unit delivery period | Language(s) of instruction |
|------------------|-----------------------------|----------------------------|
| Blended | 2 (spring) semester | English |

| Requirements for students | |
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| Pre-requisites: Willem C. Vis International Commercial Arbitration Moot I/II P. | Co-requisites (if any): none |

| Number of credits allocated | Total student's workload | Contact hours | Self-study hours |
|-----------------------------|--------------------------|---------------|------------------|
| 5 | 133 | 48 | 85 |

| Purpose of the course unit (module): programme competences to be developed | | |
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| <p>The aim of the course is to assist students to participate in the Willem C. Vis International Commercial Arbitration Moot (Vis Moot) competition by enhancing knowledge of arbitration as a method of solving disputes and application of the United Nations Convention on Contracts for the International Sale of Goods 1980 (CISG). In addition, the students develop advocacy skills (drafting documents necessary for the oral presentation, understanding practical aspects of the dispute resolution, present the arguments on behalf of the parties in oral hearing) as well as teamwork skills.</p> | | |
| Learning outcomes of the course unit (module) | Teaching and learning methods | Assessment methods |
| Students: Will enhance an understanding of how contemporary issues in international commercial sales law and international commercial arbitration arise and are resolved in practice. | Seminars (individually and together with the team members – case study, analysis of relevant issues, group discussions on relevant issues, drafting of Claimant’s and Respondent’s arguments for oral presentation, oral presentation of the Claimant’s and Respondent’s arguments), group consultations, individual work (individually and together with the team members – analysis of the relevant legal framework, policy and case-law, reading of academic literature, preparation of Claimant’s and Respondent’s arguments, oral presentation of the Claimant’s and Respondent’s arguments). | Preparation of the Claimant’s and Respondent’s arguments (roadmap), identifying questions that can be anticipated during the oral hearing and preparing answers to these questions, oral presentation of the Claimant’s and Respondent’s arguments, work during seminars. |
| Will be able to enhance their ability to systemically interpret legal sources of international commercial sales law, as well as to apply relevant rules and regulations, inter alia, CISG, in support of their legal arguments. | Seminars (individually and together with the team members – case study, analysis of relevant issues, group discussions on relevant issues, drafting of Claimant’s and Respondent’s arguments for oral presentation, oral presentation of the Claimant’s and Respondent’s arguments in the classroom, individual sessions against other universities’ teams and in pre-moots), group consultations, individual work (individually and together with the team members – analysis of the relevant legal framework, policy and case-law, reading of academic literature, preparation of Claimant’s and Respondent’s arguments, oral presentation of the Claimant’s and Respondent’s arguments). | Preparation of the Claimant’s and Respondent’s arguments (roadmap), identifying questions that can be anticipated during the oral hearing and preparing answers to these questions, oral presentation of the Claimant’s and Respondent’s arguments, work during seminars. |

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| <p>Will be able to effectively prepare for the oral presentation of the arguments (create roadmap of the arguments in the process of legal dispute).</p> | <p>Seminars (individually and together with the team members – case study, analysis of relevant issues, group discussions on relevant issues, drafting of Claimant’s and Respondent’s arguments for oral presentation, oral presentation of the Claimant’s and Respondent’s arguments in the classroom, individual sessions against other universities’ teams and in pre-moots), group consultations, individual work (individually and together with the team members – analysis of the relevant legal framework, policy and case-law, reading of academic literature, preparation of Claimant’s and Respondent’s arguments, oral presentation of the Claimant’s and Respondent’s arguments).</p> | <p>Preparation of the Claimant’s and Respondent’s arguments (roadmap), identifying questions that can be anticipated during the oral hearing and preparing answers to these questions, oral presentation of the Claimant’s and Respondent’s arguments, work during seminars.</p> |
| <p>Will be able to productively participate in an arbitration oral hearing by presenting arguments related to international commercial sales law in a reasoned, critical and ethical manner.</p> | <p>Seminars (individually and together with the team members – case study, analysis of relevant issues, group discussions on relevant issues, drafting of Claimant’s and Respondent’s arguments for oral presentation, oral presentation of the Claimant’s and Respondent’s arguments in the classroom, individual sessions against other universities’ teams and in pre-moots), group consultations, individual work (individually and together with the team members – analysis of the relevant legal framework, policy and case-law, reading of academic literature, preparation of Claimant’s and Respondent’s arguments, oral presentation of the Claimant’s and Respondent’s arguments).</p> | <p>Preparation of the Claimant’s and Respondent’s arguments (roadmap), identifying questions that can be anticipated during the oral hearing and preparing answers to these questions, oral presentation of the Claimant’s and Respondent’s arguments, work during seminars.</p> |
| <p>Will understand the importance of cooperation in arbitration proceedings, will be able to listen to intently and orally assess the position of others.</p> | <p>Seminars (individually and together with the team members – case study, analysis of relevant issues, group discussions on relevant issues, drafting of Claimant’s and Respondent’s arguments for oral presentation, oral presentation of the Claimant’s and Respondent’s arguments in the classroom, individual sessions against other universities’ teams and in pre-moots), group consultations, individual work (individually and together with the team members – analysis of the relevant legal framework, policy and case-law, reading of academic literature, preparation of Claimant’s and Respondent’s arguments, oral presentation of the Claimant’s and Respondent’s arguments).</p> | <p>Preparation of the Claimant’s and Respondent’s arguments (roadmap), identifying questions that can be anticipated during the oral hearing and preparing answers to these questions, oral presentation of the Claimant’s and Respondent’s arguments, work during seminars.</p> |
| <p>Will be able to formulate arguments to support opposite legal interpretations and goals and defend them.</p> | <p>Seminars (individually and together with the team members – case study, analysis of relevant issues, group discussions on relevant issues, drafting of Claimant’s and Respondent’s arguments for oral presentation, oral presentation of the Claimant’s and Respondent’s arguments in the classroom, individual sessions against other universities’ teams and in pre-moots), group consultations, individual work (individually and together with the team members – analysis of the relevant legal framework, policy and case-law, reading of academic literature, preparation of Claimant’s and Respondent’s arguments, oral presentation of the Claimant’s and Respondent’s arguments).</p> | <p>Preparation of the Claimant’s and Respondent’s arguments (roadmap), identifying questions that can be anticipated during the oral hearing and preparing answers to these questions, oral presentation of the Claimant’s and Respondent’s arguments, work during seminars.</p> |
| <p>Will be able to actively and productively participate and collaborate in cross-cultural team activities, as well as to ensure group members integration by applying ethical values and moral sensibility in respect to cultural and social diversity.</p> | <p>Seminars (individually and together with the team members – case study, analysis of relevant issues, group discussions on relevant issues, drafting of Claimant’s and Respondent’s arguments for oral presentation, oral presentation of the Claimant’s and Respondent’s arguments in the classroom, individual sessions against other universities’ teams and in pre-moots), group consultations, individual work (individually and together with the</p> | <p>Preparation of the Claimant’s and Respondent’s arguments (roadmap), identifying questions that can be anticipated during the oral hearing and preparing answers to these questions, oral presentation of the</p> |

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| | team members – analysis of the relevant legal framework, policy and case-law, reading of academic literature, preparation of Claimant’s and Respondent’s arguments, oral presentation of the Claimant’s and Respondent’s arguments). | Claimant’s and Respondent’s arguments, work during seminars. |
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| Content: breakdown of the topics | Contact hours | | | | | | Self-study: hours and assignments | | |
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| | Lectures | Consultations | Seminars | Practical sessions | Laboratory activities | Internship/work placement | Contact hours | Self-study hours | Assignments |
| 1. Oral advocacy | | 8 | 4 | | | | 12 | 20 | Analysis of the component parts of oral advocacy, preparation for participating in practical exercises for the oral presentation of the Claimant’s and Respondent’s positions |
| 2. Preparation for the oral hearing (strategy, gathering information, etc.) | | 4 | 1 | | | | 5 | 6 | Analysis of the mock case and the opposing party’s written submissions, identifying strengths and weaknesses, and the most appropriate strategy of the oral presentation for each side |
| 3. Conduct of the oral hearing | | 4 | 1 | | | | 5 | 5 | Preparation for participation in mock hearings in class, analysis of the publicly available recordings of previous Willem C. Vis Moot competition hearings |
| 4. Arbitration hearing under the different arbitration rules | | 4 | 1 | | | | 5 | 10 | Analysis of various arbitration rules, including the ones applicable to the dispute of the competition, identifying differences and similarities |
| 5. Practical issues of the hearing (addressing the tribunal, addressing the opposing counsel, etc.) | | 4 | 1 | | | | 5 | 4 | Analysis of the publicly available recordings of previous Willem C. Vis Moot competition hearings, identifying the most appropriate way to introduce yourself, address the members of the tribunal, the opposing counsel and the co-counsel |
| 6. Oral argument writing | | 8 | 8 | | | | 16 | 40 | Writing a roadmap (a script) of oral arguments, including anticipated questions and answers |
| Total | | 32 | 16 | | | | 48 | 85 | |

| Assessment strategy | Weight, percentage | Assessment period | Assessment criteria |
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| Work during seminars | 40 | During the semester | <p>During seminars students are expected to demonstrate both the knowledge gained during the course as well as their abilities to apply it in a given situation. Assessment of participation in seminars consists of:</p> <ul style="list-style-type: none"> - participation in discussions (capability to provide correct answers to questions, formulate problems and suggest solutions, offer thoughtful critical remarks, contribute to other participants' ideas, react to the positions of other participants in the process in a motivated and reasoned manner); - quality of the preparation and presentation of legal opinions argued using appropriate legal norms and examples of case law, abilities to give motivated answers to questions related to legal opinion; - leadership (once per semester a student will be assigned a role of the “discussion leader”; in the beginning of the seminar (s)he will have to present the Claimant’s or Respondent’s position and direct a thought-provoking discussion around it, formulate problems and search for solutions); - language (thoughts are presented clearly and logically, using correct language, appropriate legal terms). <p>Participation in seminars is mandatory. The form of settling the missed</p> |

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| | | | seminars depends on the topic covered during the missed seminars. |
| Participation in oral hearing | 40 | At the end of semester | <p>Students participate in at least 5 oral presentation rounds (rounds may include: rounds organized within the team, rounds organized against other universities' teams, pre-moot rounds and Vis Moot general and elimination rounds). Assessment of participation in oral hearing consists of:</p> <ul style="list-style-type: none"> - appropriate selection of litigation tactics; - active and ethical communication, correct language, presentation of legal arguments clearly and without errors; - appropriate evaluation of the other side's arguments, correct answering questions, instant and reasoned reacting to the positions of other participants in the process. <p>Participation in each round is evaluated separately on a 10 points scale (the same for each team member). The sum of all evaluations is divided by the number of rounds and the average of the obtained evaluation is multiplied by 0.4.</p> <p>Participation in oral rounds is mandatory. In the case of an important justifiable and substantiated reason for not participating in the staging, the student must report during the semester according to the procedure established by the teachers.</p> |
| Project (case-file material) | 20 | At the end of semester | <p>Each student has to prepare two documents: a written roadmap of the Claimant's and Respondent's arguments for the oral presentation and the list of anticipated questions with the answers which include reference to legal sources and the case file.</p> <p>The following aspects of each document are evaluated:</p> <ul style="list-style-type: none"> - compliance with form requirements (adequacy of scope, balance of structural parts, clarity, appropriateness of language (English) and writing style, presentation of the data used); - sufficient, targeted, systematic and appropriate selection, citation, summarization, comparison and interpretation of the sources used; - comprehensive legal assessment of the practical factual situation, consistency, clarity and appropriateness of argumentation, coherence of conclusions and their grounding, a correct answer to the arguments of the other party (if applicable). <p>Each document is evaluated on a scale of 10 points. The sum of all evaluations is divided by 2 and the average of the obtained evaluation is multiplied by 0.2.</p> |

| Author | Year of publication | Title | Issue of a periodical or volume of a publication | Publishing place and house or web link |
|---|---------------------|--|--|---|
| Compulsory reading: additional reading is to be indicated after the problem for the competition is announced | | | | |
| Risse, J. (ed.): | 2013 | The Complete (but Unofficial) Guide to the Willem C. Vis International Commercial Arbitration Moot | | München |
| Kee, Ch. | 2007 | The Art of Argument: A Guide to Mooting | | Cambridge University Press, New York |
| Schlechtriem, P., Schwenzler, I. | 2022 | Commentary on the UN Convention on the International Sale of Goods (CISG) | | New York: Oxford University Press |
| Born, G. | 2021 | International Commercial Arbitration (3rd edition) | | Kluwer Law International |
| Bantekas, I. et. al. | 2020 | UNCITRAL Model Law on International Commercial Arbitration: a commentary | | Cambridge University Press, New York |
| Center for International Legal Education | 2013 | A Guide to the Willem C. Vis International Commercial Arbitration Moot | | https://vistrainingmaterials.files.wordpress.com/2014/09/cile-cldp-vis-moot-manual.pdf |
| Brunner, C., Gottlieb, B. | 2019 | Commentary on the UN Sales | | Kluwer Law International |

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| | | Law (CISG) | | |
| Kröll, S., Mistelis, L., Perales Viscasillas, P. | 2018 | UN Convention on Contracts for the International Sale of Goods (CISG) (Second edition) | | C.H. Beck/Hart/Nomos |
| Vogenauer, S. | 2009 | Commentary on the UNIDROIT Principles of International Commercial Contracts (PICC) (Second Edition) | | Oxford University Press |
| Blackaby, N. <i>et al.</i> | 2023 | Redfern and Hunter on International Arbitration (Seventh Edition) | | Kluwer Law International |
| Lew, Julian D. M., Mistelis, L., Kröll, S. | 2003 | Comparative International Commercial Arbitration | | Kluwer Law International |