



**NSW Young Lawyers International Law Committee
Presents the**

7th Annual International Arbitration Moot 2015

on

Saturday 29 August 2015

Australian Disputes Centre | Sydney | Australia

Finals on Tuesday 1 September 2015

Baker & McKenzie | Sydney | Australia

The annual New South Wales Young Lawyers International Law Committee International Arbitration Moot will continue in 2015, with the seventh NSWYL International Arbitration Moot to be held on 29 August 2015 (main rounds followed by the Final on Tuesday 1 September 2015).

Attracting participants from Canberra, Brisbane, Sydney, Melbourne, Adelaide and Perth, this event is a showcase of young legal talent and has cemented its place as a progressive and high quality competition. This event is also a unique opportunity to experience the real world of arbitration while networking with some of the pre-eminent professionals in the field.

We are currently negotiating prizes with sponsors but in the past there have been amazing prizes for:

- best orator
- winning team
- best written submissions
- 'Spirit of the Moot'

We will advise participants of the prizes in the coming weeks but they will be enviable awards!

Keep reading for a number of frequently asked questions and the application form.

If you have any questions prior to applying to participate in the moot, please do not hesitate former mooter and organiser, Erika Williams at Erika.Williams@bakermckenzie.com.

Frequently Asked Questions

Applying to participate in the Moot

Q. Who can apply to participate in the Moot?

- A. We welcome young lawyers (lawyers under the age of 36 or in their first five years of practice) and law students and law graduates from around the country to apply to compete in this unique competition.

Q. When are Applications due and what do we submit?

- A. Interested applicants should submit the following documents on or before **Friday 26 June 2015** to Erika Williams at erika.williams@bakermckenzie.com

1. A completed Application Form;
2. Proof of identification (Law Society practising certificate, student card or licence); and
3. One page CV.

Q. Am I guaranteed a place in the moot if I apply?

- A. No. Successful participants will be chosen from all applicants based on criteria identified at paragraph 13 of the Moot Guidelines. Successful participants shall be selected using the following criteria:

- (i) Demonstrated arbitration interest (5 points);
- (ii) Relevance to Career (5 points)
- (iii) Mooting experience (5 points)
- (iv) Academic ability (5 points)
- (v) Enthusiasm (5 points)

The above will be tallied and participants selected based on the highest scores.

Q. Is there a registration fee payable if I am accepted as a Moot participant?

- A. Yes. The registration fee for successful applicants is \$22 for law students and unemployed young lawyers or law graduates. The fee is \$55 for employed young lawyers or law graduates.

[This year, the registration fee will go towards the New South Wales Young Lawyers Charity for 2015, **Beyond Blue**.](#)

Q. Can we apply as a team?

- A. No. Applications are to be made on an individual basis. The Moot organisers will allocate teams consisting of two successful applicants. Where possible, a team will include one young lawyer and one student. Alternatively, we will endeavour to partner more experienced lawyers with less experienced lawyers.

Applicants are welcome to express a preference to be paired in a team with another applicant, but the Moot organisers will ultimately determine the team pairings on the basis of the experience of individual applicants.

The prize for Best Oralist will be awarded to the participant with the highest aggregate score in the general rounds alone and there is no requirement that the Best Oralist be a member of a team that proceeds to the finals.

Subject Matter of the Moot

Q. What form will the problem question take?

- A. The Arbitration Moot Problem (“the Problem”) involves a contractual dispute between two international companies.

Q. What issues usually arise in the Moot Problem?

- A. The issues that arise in the Problem typically fall within one of two categories:
1. *Procedural issues:* These issues arise under the terms of the arbitration agreement itself and under the rules of the particular arbitration institution (e.g. ACICA) chosen by the parties to govern the arbitration. A question may also arise as to the jurisdiction of the Tribunal to hear the dispute. The law governing the arbitration agreement (*lex arbitri*) will also be relevant to a determination of procedural issues.
 2. *Substantive issues:* These issues relate to the parties’ rights and obligations arising from the construction contract between them. For example, questions may arise about: the conformity or otherwise of services provided by the service provider under the contract; the seriousness of the alleged breach (fundamental or not); and the remedies available to the non-breaching party (avoidance, restitution or damages).

Preparation for the Moot

Q. How long will we have from the release of the problem question to the time to submit written submissions and to the Moot itself?

- A. Teams will be allocated on **Monday 6 July 2015**. The moot problem will also be issued on **Monday 6 July 2015**. Participants will then have about six weeks to prepare and submit written submissions for both the claimant and the respondent by **Monday 17 August 2015**. The main rounds of oral submissions will be heard two weeks after the filing of written submissions, on **Saturday 29 August 2015**, at the end of which the finalists will be announced. The finals of the oral submissions will be heard on the evening of **Tuesday 1 September 2015**.

Q. What is the required length of written submissions?

- A. The written submissions are restricted to 1000 words for each of the claimant and respondent submissions, and are therefore intended only to be basic outlines of submissions. See Moot Guidelines for formatting requirements.

Q. How many days can I expect to work on the preparation of written submissions?

- A. Obviously, teams can put as much or as little time into the preparation of written submissions as they like. Ideally, teams should devote some time before the release of the Moot Problem to familiarise themselves with: (1) the basic concepts of international commercial arbitration; and (2) the relevant textbooks and online research resources. As a rough minimum estimate, teams should be prepared to devote between four to six days researching and preparing both written and oral submissions.

Q. Do the written submissions count towards a team’s performance in the oral argument?

- A. No. The written submissions will be judged prior to the oral submissions and a prize will be awarded to the team with the best written submissions. The scoring of oral submissions will be based on the performance of individual speakers on the day. However, we note that the quality of these submissions can be very valuable throughout the oral competition since much of your oral argument will stem from your written submissions.

Q. How long does each speaker have for oral submissions?

- A. Each team has 22 minutes to present its arguments. The recommended break down of this time is ten minutes for each speaker and two minutes in reply to those speakers who argue on particular issues first. Please note that each team member must speak whether representing the Claimant or the Respondent.

Q. Are teams free to determine how they split their arguments between speakers and the order of presentation?

- A. Although this is a matter for each team, as each team member must speak whether representing the Claimant or the Respondent it is usually convenient to divide the speaking roles between procedural and substantive issues. Prior to the commencement of oral argument, opposing teams should seek to agree on the parties’ preferred order of argument. Typically, the respondent will raise any objections to jurisdiction or compliance with procedure first, and the claimant will go first on the substantive issues arising from the sales contract.

Q. What criteria will the individuals and teams be marked on?

- A. Each team member will be given a score out of 10 in the following five criteria:
- Clarity of reasoning
 - Dealing with questioning from the tribunal
 - Understanding of issues in putting them persuasively
 - General style and presentation
 - Working as a team and assisting team member where necessary.

Application Form

1. **Name:** _____

2. **Address:** _____

3. **Email:** _____

4. **Employer** (If Lawyer): _____

5. **Years PQE** (If Lawyer): _____

6. **University** (If Student): _____

7. **Year at University** (If Student): _____

8. **Gender:** F M

9. **What interests you about Arbitration?** (25 words or less)

10. **How is arbitration relevant to your career?** (25 words or less)

11. **What mooting experience do you have?** (25 words or less)