



HMA HUMBOLDT MOOT ASSOCIATION e.V.



Arbitrator Guideline • Berlin Premoot 2013

Location

The opening of the Berlin Premoot will be held at the ESMT European School of Management and Technology, Schloßplatz 1. The Arguments will then take place at the Law Faculty of the Humboldt-Universität zu Berlin, Unter den Linden 9-11/ Bebelplatz 1, as well as a number of surrounding law firms.

The pairings of the teams, the composition of the tribunals and the exact allocation of the rooms will be announced one day before the Premoot.

The hearings start punctually, therefore it is advisable to be at the faculty 15 minutes in advance. The Premoot Office can be found in Room E25 of the Law Faculty.

The Tribunal and the Parties

- The Tribunal consists of three arbitrators overall: two "party-appointed" arbitrators and the presiding arbitrator.
- The arbitrators shall introduce themselves shortly in the beginning.
- Each of the two parties is represented by two counsels (students).

The Proceedings

Beginning

- Introduction of the Tribunal
- Introduction of the counsels
- Discussion of the conduct and structure of the proceedings (Order of issues to be addressed, which party commences on which issue, time allocation, rebuttals)
- The Tribunal can determine the conduct and structure of the hearing on its own or by taking suggestions from the counsels into account.
- Allocation of time between counsels and the different issues

Time-frame

- One session should last 1 hour to *max.* 1 1/2 hours (please try to keep within this time).
- There should be 15 minutes for each counsel to present her/his submissions. Accordingly each party should have approx. 30 minutes to present its case, *including* rebuttal time.
- Time can be added to compensate for time lost due to long or complicated questions asked by the Tribunal.
- Immediately after the hearing the arbitrators are asked to provide feedback to the counsels, which will help them to improve their presentation. This should not exceed 5-10 minutes per arbitrator.

Course of proceedings

One possible way to proceed with the argument would be as follows:

A. Procedural Issues

1. Respondent on the admissibility of Mr. Shorts written statement as evidence and on the form requirements for a contract amendment
time: 13 min
2. Claimant's answer;
time: 13 min
3. Respondent's rebuttal on the issue;
time: approx. 2 min
4. Claimant's surrebuttal on the issues raised in the rebuttal by Claimant;
time: 2 min

B. Substantive Issues

1. Claimant on the issues
 - a) the breach of contract by delivering too late
 - b) the fundamental breach of contract by making use of child labor
 - c) the damages, caused by the use of child labor
time: 13 min
2. Respondent's answer;
time: 13 min
3. Claimant's rebuttal on the issue;
time: 2 min
4. Respondent's sur-rebuttal on the issues raised in the rebuttal by Claimant;
time: 1 min

Feedback

At the end of the proceedings the arbitrators shortly comment on the presentation of the counsels. The comments should focus on language, body language, legal arguments, presentation and anything else they think can be improved.

As this is a practice moot please do not be hesitant to make critical comments - it is the purpose of this event to identify weak points in presentation and content in order to prepare the teams for the final rounds in Hong Kong and/or Vienna.

Comments can also be made on the feedback form, which will be forwarded to the participants.