



HMA HUMBOLDT MOOT ASSOCIATION e.V.



Berlin Premoot 2014 • Arbitrator Guideline

For updated information please visit our website www.hma-berlin.de

Location

The registration and the opening of the Berlin Premoot 2014 will be held at the Auditorium of the Jacob-und-Wilhelm-Grimm-Zentrum, Geschwister-Scholl-Str. 3, 10117 Berlin.

The hearings will take place in the Law Faculty of the Humboldt-University of Berlin, Unter den Linden 9-11/ Bebelplatz 1, 10117 Berlin, as well as a number of surrounding law firms.

The pairings of the teams and the exact allocation of the rooms will be announced in the week leading up to the moot. The composition of the tribunals will be available at the Premoot.

The hearings start punctually, therefore it is advisable to be at the 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 (team members)

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 hearings on its own or by taking suggestions from the councils into account
- Allocation of time between counsels and the different issues (see time-frame below)

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 following 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 Jurisdiction of the Tribunal and the possibility to have both claims in one proceeding
time: 14 min
2. Claimant's answer;
time: 14 min
3. Respondent's rebuttal on the issue;
time: approx. 1 min
4. Claimant's surrebuttal on the issues raised in the rebuttal by Claimant;
time: 1 min

B. Substantive Issues

1. Claimant on the issues
 - a) which general terms govern the second contract
 - b) is the CISG applicable to the parties second contracttime: 14 min
2. Respondent's answer;
time: 14 min
3. Claimant's rebuttal on the issue;
time: 1 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 students.