

The Activities

Timetable

from September 2012	Preparation of how to write a memorandum, International Arbitration and CISG
October 5, 2012	Distribution of the “problem” in form of an extract from a case file. The “problem” serves as basis for the Moot Court competition
December 6, 2012	Deadline for submission of Claimant’s memorandum
January 17, 2013	Deadline for submission of Respondent’s memorandum
until March 2013	Preparation for the oral pleadings
March 21-28, 2013	Oral pleadings in Vienna

Diary



Thursday, 11th April 2013

Today the time as active mooties ended for our team with a reception hosted by the Dean of our faculty, Prof. Dr. Horn. We were joined by the ICC Mediation Competition team in the Dean's meeting-room, where we listened his kind speech, in which he congratulated us on behalf of the whole faculty on our excellent success and thanked us for our great representation of the University of Marburg. Afterwards he handed us our participation certificates and thereby released us into the as yet unknown world of being Moot Alumni. We enjoyed the rest of this marvellous event by philosophizing about our fantastic experiences with a glass of champagne in hand.

For us the Moot has now come to an end. We again want to thank everyone who assisted us with advice and help during the last seven months. We had an unforgettable time which we will always remember fondly. Thank you!

Thursday, 21st March to Friday, 29th March 2013



Writing the memoranda was intensive. Preparing for the oral hearings and especially the law firm pleadings and the pre-moots was even more intensive. But Vienna fulfilled the promises it had made and exceeded everything that had gone before. A 9-hour train journey, beginning at 4 a.m., brought us to, amongst other things, an opening ceremony with more than 2,000 participants in the majestic “Konzerthaus” and several fantastic concerts, parties and receptions. Of course, at the end of the day the pleadings were the most intensive experience, which took place in an atmosphere that was both charged and exciting, but always fair and amicable. We initially had four pleadings in the “general round”. Two of our opposing teams had come all the way from the US (one was Cornell University) and the other two all the way from India.

After the general rounds, the excitement began in earnest. All of the nearly 300 teams assembled in a huge convention center to await the announcements of the teams that had made it into the first knock-out round of 64. And suddenly: the name “Marburg” was uttered. After a short moment of hesitation the penny dropped: that’s us! After five years of hard work by professors, coaches and participants, finally a Marburg team now officially belonged to the best 64 in the world. This was particularly satisfying as the number of German teams to advance to the final rounds was unusually small this year. Our choice of pre-moot sparring partners also proved itself to be fortuitous, as a good number of the teams that we had met for practice pleadings

before Vienna had also advanced. For example, the team from Queen's University beat the team from Cornell University in the knockout rounds, the latter having pleaded against us in the general round.

While advancing to the next round was amazing news, it also meant we had the urge to keep on preparing while the majority of the other teams could go to cafés and clubs. In the knockout round pleading we met the host team from Vienna, whom we would like to congratulate for ultimately being successful and moving on to the round of 32.

Despite our fantastic success in reaching the round of 64, there was still more good news for Marburg at the very end: at the huge farewell banquet in a convention hall the name "Marburg" was announced two more times: We received one honourable mention for our Respondent's Memorandum and another one for oral presentation.

After saying goodbye to all the amazing people we had met during the Moot and, of course, to the equally amazing Vienna, the night train waited to bring us back home. Our week of intensity and success ended in the early morning hours at the station in Marburg and the beginning of the Easter weekend, marking the starting point for the "post-moot era". By the way: we certainly had plenty of time for clubs and cafés in Vienna in the end and thus this week marked not only the last point of our exciting Moot semester, but rather also its high point! Now, everybody is tired. Tired, but happy.

Saturday, 16th March to Sunday, 17th March 2013

„Meeting people – this is another aspect of the moot. You meet people from all over the world and sometimes friendships will develop that can last for longer than the moot itself. This was the case with last year's teams from Queen's University and Marburg. Already last year, the Queen's team visited Marburg right before departing for Vienna. As both teams enjoyed this visit, also this year's teams met.” – last year's online diary entry thus summed things up perfectly. How much these connections can develop and how long they can last has been further impressively shown as this year the team from Queen's University came to Marburg again in order to visit us and have pleadings and mutually prepare for Vienna. Whilst we could not offer a barbecue at

the river like last year as it was snowing and raining this time, we showed our Canadian guests the castle and the famous students' pubs on the evening before. Again it was both a pleasure and a good preparation for both teams, so that now we can now definitely call the exchange between Queen's and Marburg an established tradition that will hopefully be upheld again next year!

Thursday, 14th March to Saturday, 16th March 2013

The last pre-moot we visited took place in Düsseldorf. The Düsseldorf Pre-Moot is a huge, international and competitive one with a high standard. It is held in the big law firms in the downtown part of Düsseldorf. We had the honour to have pleadings against the teams from Aarhus, Sydney (New South Wales University), Istanbul and Rio (University of the State of Rio de Janeiro). In the end we reached the 7th place and were thus in the first third of all participants, just like last year's Marburg team. After a big final round at the Düsseldorf Higher Regional Court we returned happily to Marburg with our heads and our baggage filled with feedback.

Wednesday, 27th February to Monday, 4th March 2013

For the second pre-moot abroad the Team went to Helsinki, Finland. This pre-moot was larger than the one in Tbilisi, but nevertheless it was just as well organised. The pleadings took place in several law firms in the city centre and at the waterfront, where the audience not only had the pleasure to listen to concentrated and engaged pleadings, but also a great view over the old town and the sea. Of course, the counsels only had eyes and ears for their virtual clients and the arbitrators. In doing so they were fulfilling what the organisers held up to be the aim of the pre-moot: to try out "all the crazy arguments" in practice.

In the end our team even reached the final where we tested ourselves against the team from King's College London. After one exciting hour, our team was finally able to win the pre-moot as "best team". In addition, Irina Mertke was awarded the title of "best oralist". That evening all of the teams, coaches and arbitrators celebrated into the night together.

On the next day our team and coaches relaxed a bit by visiting the famous island fortress "Suomenlinna", which can only be reached by ferry through the frozen Baltic Sea. This was a most impressive experience. And then there was still one thing nobody wanted to miss: tasting original reindeer steak! We had a great time in Helsinki and

especially at the pre-moot which was a very intensive preparation for Vienna – which is getting really close now!



Monday, 25th February 2013

„Fire and Ice“ – this could have been the slogan for our visit at our sponsor, the Fritz Winter Company in Stadallendorf.

Fritz Winter is one of Europe's leading foundries. While outside the snow was falling and all of us were freezing we felt warm after entering the plant. This was not only because of the giant cupola furnaces and all the glowing steel, but also because of the engaged and interesting welcome from Mr Weißbach and Mr Döllinger of Fritz Winter. Mr Weißbach explained how the factory, combining both high tech and classical heavy industry, works and Mr Döllinger offered us rare and interesting insights in the job of an inhouse-lawyer for a medium-sized industrial enterprise. Thus, the trip to Stadallendorf was not only a perfect change within the normal day-by-day tasks of a mootie, but especially an interes-

ting and impressive experience broadening our horizon.



Thursday, 14th February to Thursday, 21st February 2013

It was the second time that the Georgian Centre for Alternative Dispute Resolution organised a Vis Pre-Moot in the Georgian capital Tbilisi, and it was also for the second time that the team of the Philipps-University Marburg was invited to participate in this event. The name of the destination suggested excitement – and indeed, the journey already fulfilled this promise. However, no airport strike, heavy snowfall or belated flights could stop us and so, in the early morning, we finally arrived safely in Tbilisi where our coach was already waiting for us at the airport. There was not much time for rest or preparation, as a conference on the impact of the CISG for countries like Georgia started a short time later at midday. The Pre-Moot began on the

next day. In the pleadings we met the teams from the universities of Tbilisi, Bonn and Bremen. The competition was fierce, but always fair, so in the end it was a pleasure for all participants. For us it was particularly exciting to finally be exposed to the “outside world” after months of preparation. The arbitrators had very positive and constructive feedback for each of the teams. The "work" part which was already good fun, but in the evening our fantastic hosts ensured that the fun did not stop: they showed us the city and introduced us to traditional Georgian food and drink.

Before we went back to Germany we visited the important sights of the country: the bazaar and the old-town of Tbilisi as well as the monasteries on the mountain in Jvari and in the ancient caves of David Gareji. We spent the last day on a trip to the top of the Caucasus, the Kazbegi Mountain where we climbed to the lonely Trinity church on a snowy peak. We are sure that this Pre-Moot helped us a lot in preparing ourselves for Vienna and so, after returning to Germany, we did not lose

any time and took part in two law-firm pleadings right on the next day. On Monday we will visit the facilities of our sponsor, Fritz Winter, and next Wednesday we will be heading for the next Pre-Moot. Then it's on to Helsinki!

**Monday, 21st January
2013**

The Moot is getting closer and thus we are getting into the next part of our preparations: our memoranda are submitted, so now we have to see which of our arguments are most suitable for oral presentation, craft our first pleadings accordingly then start practicing. In this first stage we will be practicing internally amongst ourselves, but soon we will be visiting law firms for pleading rehearsals and also going to various pre-moots – in Marburg and Düsseldorf, but also in Tbilisi and Helsinki. We are really excited and are eagerly looking forward to the coming weeks!

**Thursday, 17th January
2013**

It's done: the memorandum for



Respondent is finished and was submitted right before the deadline ended at midnight. The first chapter of our preparations has thereby come to a close and the next stage will begin. We have been busy coming up with arguments for the written memoranda since the beginning of October, but now we will start to prepare for the oral pleadings in Vienna!

Monday, 10th December 2012

Today we received the Claimant's memorandum from Cornell University's Moot Court team from Ithaca, New York. After having worked on the case from Claimant's perspective for eight weeks, we have to switch our allegiance right around in the coming days: we now have to take Respondent's side and refute the claims Cornell University made in their memorandum!

Friday, 7th December 2012



After the submission of Claimant's Memorandum, this year's and last year's Vis Moot teams from Marburg went to Frankfurt, having been invited

to the offices of the international law firm Skadden Arps on the 7th of December. We were greeted by Dr. Markus Perkams, an associate currently working in their London office, and he welcomed us with an interesting presentation on the role of arbitration proceedings in the firm's business and on the relationship of arbitration to other working areas of the firm. Afterwards we had the opportunity to ask questions and discuss the issue with several members of Skadden Arps. We also heard a lot about different aspects of the day-to-day lives of lawyers in an international law firm, as well as about the Moot Court. The Mainz University Moot Court team was also present since Skadden Arps sponsors both teams and we were able to get to know them better. All in all it was a very pleasant and enriching evening and so we would like to thank Skadden Arps for their kind invitation and for putting on such a fantastic event!

Friday, 5th October 2012

Today, shortly after midnight it happened: The case was published on the official Moot-webpage and arrived in the

mailboxes of our mail
accounts shortly afterwards.

Mediterraneo Exquisite
Supply, Co. sues Equatoriana
Clothing Manufacturing, Ltd.
since it did not deliver an
order of 100.000 polo-shirts
in time and furthermore used
child labor in the production
of its products, which violated
the high ethical standards of
Mediterraneo Exquisite
Supply.

Claimant had ordered 100.000
polo-shirts with the Respon-
dent, since the former supplier
of claimant went insolvent.
These polo-shirts were suppo-
sed to be available for the Clai-
mant just in time for the
beginning of the summer
season. Furthermore they
were supposed to meet the
ethical standards of the Clai-
mant, who in particular requi-
red the exclusion of child
labor.

After the Respondent could
not keep the prearranged
delivery date media reports
appeared, which showed that

child labour was used in one of the Respondent's factories. As a consequence of the reports, sales for Mediteraneo Exquisite Supply took a hit. The Claimant now wants reimbursement of the damages caused by the delay of delivery and wishes to avoid the contract due to the use of child labour by the Respondent.

In contrast the Respondent claims that they had announced the delay of the polo-shirts and that the Claimant for his part had agreed to amend the contract. Furthermore it asserts that there was no child labor involved in the production of the polo-shirts and that Respondent has therefore met the ethical standards of the contract.

For our team the labour-intensive work starts now. But with the help of our coaches and our active effort we are sure to cope with the task.

**Sunday, 23rd September
to Friday, 28th September
2012**



From the 23rd to the 28th of September our team visited the Düsseldorf Arbitration School. For us this eventful week began on Sunday evening when we met with teams from other universities to exchange our first experiences with the Moot.



On Monday, a series of lectures took place on the premises of the Heinrich Heine-University of Düsseldorf, to which the Arbitration School had invited renowned domestic and international academics and practitioners. The lectures' focus was on arbitration and its relevant statutory law, the drafting of memoranda and correct presentation in front of an arbitral tribunal.

The Arbitration School had also prepared a diverse evening program so we not only had the chance to see the historic city centre of Düsseldorf, but we also had the opportunity to attend two receptions hosted by law firms, where we were able to discuss with the speakers and to broaden our contact with the other Moot teams.

The International Arbitration Conference on Friday, hosted

by the Düsseldorf Industry Club, was the enjoyable last act of this week. The focus of this year's conference was on the topics investment and sports arbitration, which gave us a glimpse of further interesting fields of activity in the subject of arbitration.



Wednesday, 19th September to Friday, 21st September 2012: Frankfurt Drafting School

Every year the „Frankfurt Drafting School“ is organised to prepare participants for the Moot Court. It is organised by former Mooties of the Frankfurt Johann-Wolfgang-Goethe-University. This time it took place from 19th to 21st September 2012. This year the Team of Marburg took once again part in this event. We took the opportunity to learn from presentations by arbitration experts such as Professor Huber of Mainz University and several lawyers of international law firms. Further we started to become more familiar with demanding jurisprudential lectures in English. The topics was not only theoretical, as we participated also in a CISG case study practice

and a workshop on how to draft a memorandum. The whole event was located in the modern rooms of the new Frankfurt Campus, which, with its buildings and its equipment, made us from Marburg feel a bit jealous. Besides all the legal training the social aspect was also important: We became acquainted with many Moot Teams from universities from all over Germany. A rewarding and successful trip to the so called “Main-Metropolis”!

Friday, 14th September 2012

After some date-adjustments today Oliver Rust, attorney in Marburg with plenty of experience in matter of arbitration, found time to explain to us how to draft a memorandum.

Due to the surprisingly tight premises at the Landgericht Marburg our team spirit was strengthen on a lasting basis while Oliver showed us, which details need to be considered when drafting a memorandum. In preparation for this date we had studied the case of the 18th Vis Moot Court and the related prizewinning Memoranda for Claimant and

for Respondent so that we already had an idea about how our early, hopefully likewise prizewinning, Memoranda should look like. With the gained knowledge of this lecture we made another step towards our goal.

Monday, 27th August 2012

Today our team began the preparation for the 20th Moot Court with a lecture about arbitration by Reinmar Wolff in which we were cast in the role of active participants. We came in contact with the UNCITRAL Model Law for the first time and by means of the same we acquired a first overall overview of arbitration. Now we are looking forward to making use of our new knowledge in the coming practice cases.

Friday, 14th September 2012: The first meeting of the new Mooties

After we received the joyful message that we had been selected for the 5th moot court team, we were invited to a team breakfast with the coa-

ches and initiator Dr. Reinmar Wolff. During this breakfast with freshly brewed coffee and still-warm bread rolls we had the chance to meet each other in a really comfortable atmosphere. After some smalltalk, we clarified the procedure for the coming months and distributed responsibility for the social media networks Facebook and Twitter and for this diary. The preparation process starts at the end of August/the beginning of September, so there are no other meetings planned yet. This provides us with the opportunity to enjoy the semester break and – depending on individual interests – the Olympics.