

Kluwer Arbitration Blog

Reflections on Vis From the Winning Team

Roger Alford (General Editor) (Notre Dame Law School) · Thursday, May 5th, 2011

[Editor's Note: Upon hearing the results of the Vis competition, I invited members of the winning team to do a blog post about their experience. Below are the reflections of the members of the University of Ottawa Vis team on winning the competition.]

It's nice when hard work pays off. It's even nicer when five students spend six months pouring their heart and soul into an arbitration problem involving the sale of squid and are rewarded with something as humbling as winning the Vis.

It was at the opening ceremonies at the opera house in Vienna that the magnitude of the Vis really hit us. We were a small cluster of five students and three coaches, surrounded by a sea of hundreds upon hundreds of sharply dressed students, coaches and arbitrators. We heard an updated version of Harry Flechtner's CISG song, which could only be fully appreciated by that audience. We got to hear more about Eric Bergsten, the father of the Vis and the writer of a frustratingly clever moot problem. We saw him honoured with a *liber amicorum*, to celebrate his 80th birthday. I recall thinking at that moment – how could I possibly get a chance to shake his hand and thank him for creating and fostering this moot that had dominated my life the last six months?

We participated in a couple of practice rounds before the competition started in earnest, and we made great friends, particularly the University of Freiburg from Germany and the Victoria University of Wellington from New Zealand. The general rounds saw us face strong schools, including the University of St. Gallen, who eventually won the award for best respondent memorandum. We knew that given that different judges, with varying degrees of generosity when scoring, hearing the rounds, there is an element of subjectivity in making it out of the general rounds. While we were pleased with our performance, we were still very relieved to make the playoffs.

We pulled some tough draws in the playoffs. In the round of 64 we had to get past the University of Zagreb, who have repeatedly finished in the top three schools in previous years at the Vis. In the round of 16 we had a bittersweet collision with our good friends from Wellington, another strong school which won the 16th Vis. This round was definitely one of our closest rounds. By the time we learned that we'd won the quarter-finals and would progress to the semi-finals, we were tired. In the span of 24 hours we'd argued four tough rounds, with some of us arguing every round.

The final day, at 8:30am, we squared off against the University of Hamburg. These two young women were another strong team. They were both articulate and compelling. After long moments

of anxiously waiting for the results, we learned that we would move to the finals against the University of Montevideo from Uruguay. It was their first time at the competition, and they were causing a stir. We would soon learn the stir was justified.

In the final round I've heard other spectators contrast the passion and eloquence of the Montevideo team with our methodical precision. After making our submissions to an esteemed tribunal, in front of over a thousand of our peers and other ICA experts, I was left very uncertain which team would prevail.

Eric Bergsten called both teams to the stage. We were all ecstatic even to be standing there. Then came a few words from Stefano Azzali, the chairman of the final tribunal, and the Secretary General of the Chamber of Arbitration of Milan, whose arbitration rules were the subject of this year's moot. His final words were to announce that the University of Ottawa had won. You can imagine the jumping up and down and bear hugs that ensued. Montevideo was a classy team who joined us in the celebration because in the words of Stefano Azzali, we were all winners. I think he meant those words for everyone who participated in this year's Vis.

It was not long after that when I got my chance to shake Eric Bergsten's hand. In fact he indulged us for quite a while, answering our many questions about what arguments he'd foreseen and how he'd expected us to deal with certain issues.

Over the past few days I've often been asked why I think we won. Looking back, I can pick out three assets that I think made the difference.

The first asset is the program we have at the University of Ottawa. We take oral advocacy and thus mooting very seriously. Our university consistently does well at both international and domestic moots. We have excellent coaches like Professor Anthony Daimsis, who know how to bring out the best in students. Our faculty actively encourages oral advocacy because they understand its importance in the legal profession.

The second asset is preparation. We did our research. Anyone on the team could probably name 40 commentators on ICA or the CISG. Our coaches, Professor Daimsis, John Siwec and Aida Setrakian, along with other guest arbitrators also grilled us mercilessly (and you know I'm not using flowery language if you have seen Professor Daimsis in action) with questions to ensure we had considered the case from every angle. We did the math, and if we were billing, our legal fees would be greater than the value of the claim.

The third asset is the people. Our team consisted of five students who were brilliant, hard working and selfless in favour of the team. Everyone carried their weight. Everyone contributed to every argument. Disagreements just disappeared when the team made a decision or if something was best for the team. This is the kind of team that I dream of working with in practice.

From all of us on the team, thank you to everyone in the community who made this possible and who contributed to this experience of a lifetime.


Marc McLaren-Caux is articling at Fraser Milner Casgrain LLP in Ottawa. Jonathan O'Hara is articling at McMillan LLP in Ottawa. Sherif Foda is working at Lalive in Geneva before studying at Oxford for his LL.M. Diane Laranja is in her 3rd year of her JD and will be summering at Sherrard Kuzz in Toronto. Etai Hilzenrat has just completed his LL.L.

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The graphic features a dark background with a blue and green horizontal line at the top. On the left, the text 'Learn more about the newly-updated *Profile Navigator and Relationship Indicator*' is displayed in white. On the right, there is a circular icon with a magnifying glass over a group of people. At the bottom left, the Wolters Kluwer logo is shown.

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