

If You Want to Know the Value of Two Weeks, Ask the Middle East Vis Pre-Moot Community

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The Middle East Vis Pre-Moot Program (the “Program”), scheduled in Bahrain from 10 to 14 March 2020, was prepared and excited to welcome over 200 students, faculty, and lawyers to celebrate the Program’s 10th anniversary.

However, on 25 February, amid the unfortunate COVID-19 global pandemic, Bahrain took precautionary measures to prevent the spread of the COVID-19 virus, which included shutting down educational facilities and suspending flights from neighboring countries. As a result, the Program’s organizers (BCDR, CILE, and CLDP) had no choice but to cancel the in-person event.

The cancellation was devastating for the participants, because the Middle East Pre-Moot has grown to be more than a just a preparatory competition for the Vis Moot in Vienna and Hong Kong. The Program provides participating students oral advocacy training, much needed access to resources otherwise unavailable to them, and the opportunity to network with scholars, practitioners, and other students.

As the Program was only two weeks away, the organizers had to decide: cancel the

Program altogether and go home, or go virtual?

For the students, who had worked tirelessly over the last half-year, cancelling the Program and throwing in the towel would have perhaps been the final nail in the coffin: uncertainty was looming around the in-person Vienna and Hong Kong Vis Moots, and students were exasperated. Yet, they were obsessed with solving the legal questions and possible solutions to this year's Vis Moot problem, including the patent litigation between Mr. Burdin and Prof. John and its impact on the procedural and ethical questions before the tribunal.

For the organizers, cancelling the event would have meant having to live with the disappointment of knowing that the COVID-19 virus, which has already had such a devastating impact on so many aspects of "normal life", would in yet another way stand in the way of bringing value to the lives of the students, pioneering their careers, and cause a ripple effect throughout the region.

The organizers searched for a way to turn this perceived loss into an opportunity for growth and betterment: victory may be snatched from the hands of defeat! It only took a 30-second phone call to unanimously decide to go home **and** go virtual!

We thought it would be easy. However, with only 15 days to prepare, it was as hard as understanding turbines!

As mandatory curfews were imposed in certain countries, schedules had to be constantly amended and communicated to participants to accommodate teams; thus, we had to ensure that a smooth communication process with teams was well thought out. The scheduling also had to accommodate for literally all time-zones, from the US's west coast, passing through Bahrain, all the way to Wuhan, China. A customized electronic grading form and submission tool had to be developed to instantly calculate scores. We also had to find ways to record the availability of arbitrators. Finally, but obviously most importantly, the right online mooted tool had to be identified and tested to ensure the Program's smooth running.

The success of this first-ever virtual Program hinged upon three essential pillars. First, ensuring adequate academic resources to support the virtual activities planned. Second, confirming a large pool of practitioners willing to volunteer their time to serve as educational advisors to teams, and as arbitrators for the scheduled competition. Third, and naturally the most important, gaining the trust

and interest of teams to participate in this unique digital experiment.

Luckily for us, we underestimated the immense spirit of the teams and the Program itself. It is real, and infinite!

In an extraordinary showcase of unity, resilience, and determination, undoubtedly animated by the spirit of the pre-moot, the Program ultimately had more participants than even initially anticipated! Students from as many as 28 teams and 17 countries, and more than 150 advisors, faculty, and arbitrators made a hobby out of “Zooming” from 10 to 14 March, seamlessly overcoming the COVID-19 outbreak and marking the 10th anniversary of the Program a resounding success!

The Program organizers made available to students pre-recorded training videos accessible to them at their convenience, and from the comfort of their beds (if they so wished), but only if they were resilient enough, as the videos were protected with a telling password: **ResilientMootie2020**. Students also had two days of live training sessions with Pre-Moot advisors. The training materials covered useful tips for the “mooties” and relevant topics related to both oral presentation and substance. The Program’s most-committed friend, Michael Patchett-Joyce, provided an overview of the moot problem; CISG household-names such as Professor Ronald A. Brand and Professor Harry Flechtner of CILE provided invaluable guidance to the students on matters related to the CISG and arbitration law; the Vis Moot’s very own Professor Stefan Kröll shared a real-life approach to the moot problem; and Professor Zlatan Meškić discussed the procedural issues identified in the moot problem. Vis Advisors shared with the students their recommendations on argument development, efficient use of legal authorities in pleadings, maintaining advocacy skills on a virtual platform, avoiding common mistakes and pitfalls, answering arbitrators’ questions, crafting an effective rebuttal, and other key aspects of a successful oral pleading at the Vis Moot.

Thereafter, the students engaged in general round pleadings with arbitrators from around the world, and eight teams competed in elimination rounds to determine who would prevail. The cherry on top of it all? A final round judged by a top-tier panel: Professor Ingeborg Schwenzer as the Presiding Arbitrator, joined by the LCIA’s former Director-General Adrian Winstanley OBE and Professor Stefan Kröll.

Ultimately, Sri Lanka’s superb Royal Institute of Colombo was victorious against

the US's University of Pittsburgh. The traveling Albert H. Kritzer trophy, which is awarded every year to the winning team of the Program, did not have to travel mid-way across the globe because, conveniently, the trophy could pass to the Royal Institute of Colombo from fellow Sri Lankan university, the University of Colombo, who had won the Ninth Pre-Moot the previous year. The program concluded with a virtual "Gala," celebrating the Program's top awardees and recognizing individual and team achievements in written and oral advocacy.

This said, perhaps the greatest achievement of the Program was giving the students a taste of Billboard's longest top-selling album, the universally-acclaimed CISG song. Professor Flechtner also shared a new hit song "The Bridge," a musical masterpiece which he wrote and recorded with the assistance of CLDP's Mais Abousy and her daughter Meena Al Khadiri. The song was specifically adapted to the Program's focus from Iraq's Elham El Madfai's '*Khattar Ana el Farah*' to honor the efforts of Professor Brand whose contribution to the inception and success of the Program is perhaps the single most clear embodiment of the spirit of the Vis Moot.

Obviously, it would have been impossible to deliver this online Program without the unwavering support, of our colleagues at BCDR, CILE and CLDP, and without our networks of scholars, law schools, students, alumni, and practitioners who volunteered their time for the success of this Program, and to whom we owe many thanks!

The Program aims to raise standards of oral and written advocacy, and, more generally, contribute to the study and practice of international commercial law and arbitration in the wider Middle East region. While launched in 2011 with just four teams, we are proud that it has since graduated more than 650 students from faculties in Afghanistan, Bahrain, Bosnia and Herzegovina, Egypt, Iran, Iraq, Jordan, Kosovo, Kuwait, Lebanon, Maldives, Myanmar, Qatar, Saudi Arabia, Sri Lanka, Tunisia, the UAE, and the USA.

Not coincidentally, the Albert H. Kritzer trophy is inscribed with the 13th verse of Chapter 49 of the Holy Quran which captures the spirit of the Program: "People, We have created you all male and female and have made you nations and tribes so that you would recognize each other."

While this event surely pushed us to our limits, it was worth it, not only for the

organizers, but also for the students.

Some say if you want to know the value of one hour, ask the lovers waiting to meet. When the Middle East Pre-Moot was all set and done, we learned that if you want to know the value of two weeks, ask the Middle East Pre-Moot community!