The Catholic University of America’s 2014 Willem C. Vis International Commercial Arbitration Moot Team entered four international competitions and advanced through the general rounds to the elimination rounds of each event. The team’s strong showing in the final competition venues of Vienna and Hong Kong included the award of significant team and individual honors.

This report first describes the object and nature of the Vis Moot. We then report this year’s results in Asia and Europe. The report concludes with observations on the current results and thoughts about the eight year history of CUA’s participation in the Vis Moot.

The Objectives and Nature of the Vis Moot Competition

The Vis Moot is designed “to foster the study of international commercial law and arbitration for resolution of international business disputes . . .”\(^1\) The competition is in the form of an arbitration because of “the business community's marked preference for resolving international commercial disputes by arbitration . . .”\(^2\)

The competition includes “two crucial phases: the writing of memorandums for claimant and respondent and the hearing of oral argument based upon the memorandums . . .” The forensic and written exercises require determining questions of contract flowing from a transaction relating to the sale or purchase of goods under the United Nations Convention on

\(^1\) See [http://www.cisg.law.pace.edu/vis.html](http://www.cisg.law.pace.edu/vis.html)

\(^2\) *Id.*
Contracts for the International Sale of Goods and other uniform international commercial law.

Each team argues in four general rounds, twice for Claimant and twice for Respondent. In each match two advocates appear for each team. One addresses issues related to the arbitral process, which this year grew from a “real life” pathological arbitration clause. The other team member argues the contract law issues presented by the year’s problem. The 2014 problem involved a choice of contract law issue growing out of a tricky “standard terms” problem.

Each of three arbitrators awards each advocate from 25 to 50 points. The teams with the highest point totals in the general rounds -- 64 teams in Vienna and 32 in Hong Kong -- qualify for the elimination rounds. The three student advocates who achieve the highest individual point totals and have argued both Claimant and Respondent’s positions in the general rounds are recognized with first through third place oralist awards. The students with the next highest point scores -- 61 students in Vienna and 36 students in Hong Kong -- are awarded Honorable Mention.

The Team and the Plan

In keeping with our custom of recent years, the 2014 Vis Team formed two units: Team Europe and Team Asia. Captain Christina Battaglia’14, Gypsy Clement’14, Peter Rowland’14, and Ryan Kile’16 comprised Team Europe. Team Asia included Co-captain Josephine Vowels’14, Matthew Stummer’14, Angel Hernandez’14, and Joey Davis’15.

3 Id.
As is customary, the Asia competitions preceded those in Europe. Team Asia competed in a pre-moot in Shanghai and from there proceeded to the major moot in Hong Kong. Team Europe competed in a pre-moot in Brussels and from there went to Vienna.

Hong Kong

In the general rounds, Team Asia represented Claimant against Kobe University (Japan) and National Law School of India University, Bangalor (India) and Respondent against Peking University (China) and the School of Excellence in Law (India). Vowels and Davis argued the issues of arbitral jurisdiction while Stummer and Hernandez addressed the complex choice of law question.

In the general rounds of the Hong Kong moot, Team Asia ranked 18th out of the 99 participating law school teams. We were one of only three U.S. teams that prevailed in the initial 32 team elimination round. Our team and the team from Pepperdine were eliminated in the round of 16.4 Loyola of Chicago was the only U.S. law school that advanced further -- and it became the Hong Kong Vis champion after winning its final match against the University of Amsterdam.

The awards ceremony that concluded the 2014 Hong Kong Vis moot was particularly gratifying. Our Claimant’s memorandum was awarded Honorable Mention and Stummer won an individual Honorable Mention for his oral advocacy. With this recognition, Stummer became the first CUA student to win honors for advocacy in one of the major Vis moots! (We have since

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4 Six other U.S. law schools qualified for the elimination rounds in Hong Kong but lost in the round of 32: Fordham, Georgetown, Harvard, NYU, Stetson, and Arizona State. Twelve U.S. teams did not qualify for the elimination rounds: American University, Brigham Young, Cardozo, Case Western Reserve, Denver, Hamline, George Washington, Houston, San Diego, Tulane, the University of Washington, and the University of Wisconsin.
been notified that Matt was the 9th highest scoring oralist among the 194 competitors who qualified for possible recognition.\textsuperscript{5}\textsuperscript{6}

\textit{Vienna}\textsuperscript{7}

“The Vis Arbitral Moot in Vienna is considered one of the most prestigious moot court competitions in the world” and has been described as the "Olympics of international trade law".\textsuperscript{8} In recent years, well over 1,000 law students from 290 law schools in some 60 countries have come to compete.

In the general rounds, Team Europe represented Claimant against Tbilisi State University (Georgia) and the University of St. Gallen (Switzerland) and Respondent against the University of Bonn (Germany) and the University of Passau (Germany). Battaglia and Kile argued the issues of arbitral jurisdiction while Clement and Rowland addressed the choice of substantive law question.

We learned that we had qualified for the 64 team elimination rounds at an assembly of all competitors and coaches on the evening of April 15.\textsuperscript{9} The following morning we

\textsuperscript{5} More than 194 law students argued in at least one match in Hong Kong. However only those who argued twice (once for each side of the Vis problem) were eligible for honors.

\textsuperscript{6} Thirty-nine competitors received recognition as oralists in Hong Kong. We have recently learned that our Josephine Vowels was the 40th ranked oralist in Hong Kong.

\textsuperscript{7} \textit{See}: <http://en.wikipedia.org/wiki/Willem_C._Vis_Moot> and fn.18 thereto.

\textsuperscript{8} \textit{Ibid}.

\textsuperscript{9} We have not yet learned our exact ranking among the 64 highest scoring teams. The information is generally distributed four to six weeks after the end of the moot.
faced off against the team from the University of Auckland, but lost in what we were told was a split decision.

The last event in the Vienna Vis competition was the announcement of individual awards on the afternoon of April 17. Our team captain Christina Battaglia led the alphabetical list of competitors who were awarded oralist Honorable Mention. Further down in the alphabet we learned that Peter Rowland had also been awarded Honorable Mention for his oral arguments in the Vienna general rounds. We also received team Honorable Mention for overall performance in oral advocacy.

We especially congratulate Battaglia, Rowland and Stummer as the first CUA students ever to be recognized for the quality of their oral arguments in the major Vis competitions and further recognize that the Honorable Mention awarded Team Europe also depended on the strong performances from Clement and Kile.

Summary and Commentary

2014 was a year of impressive achievements in Vienna and Hong Kong for CUA’s Vis International Commercial Arbitration Moot Team:

- All eight team members gave consistently strong arguments that scored high enough to qualify us for the elimination rounds in each of the four international moots we entered.

- For the first time, we qualified for the elimination rounds in both Vienna and Hong Kong in the same year.

- For the first time in a major moot, we prevailed in the initial elimination round when we advanced to the round of 16 in Hong Kong.

- For the first time in a major moot, members of the CUA team received Honorable Mention as oralists.

- For the first time in a major moot, Team Europe received team Honorable Mention for oral argument.
• Our Claimant’s Memorandum received Honorable Mention in Hong Kong -- the fourth such award CUA has received in our eight years of participation in the Vis.

• We have qualified for the elimination rounds in five of the ten major Vis moots we have entered since 2007: In Vienna in 2008, 2010 and 2014; and in Hong Kong in 2009 and 2014.

Twenty-two of the 99 law schools competing in Hong Kong were from the United States. We were among the nine United States teams that qualified for the 32 team elimination round and one of three United States teams that survived to the round of 16.

In Vienna, 12 of the 47 competing United States law schools qualified for the elimination round of 64 teams.10 We were eliminated along with three other United States law schools in the first elimination round. The other 35 United States law schools competing in Vienna did not qualify for the elimination rounds.11

Our Hong Kong and Vienna successes in 2014 followed our dominance of the oralist rankings in Shanghai in 2013 and our championship in the 2012 Budapest pre-moot. Also in 2012, our alumni Craig Gaver and Michelle Curth were named the two best oralists in Budapest. Nor should we forget the strong results achieved in our participation in the Frankfurt Investment moot in 2012 and 2013.

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10 In addition to CUA’s Team Europe, Duke, Columbia, Cornell, Florida State, the University of Florida, Georgetown, Hamline, University of Georgia, University of Pennsylvania, and San Diego qualified for the 64 team elimination round.

11 American University, Cardozo, Brooklyn, Belmont, Charlotte School of Law, Florida International, Fordham, George Mason, Harvard, Hofstra, Indiana University, Loyola New Orleans, Loyola Chicago, New York Law School, New York University, Nova Southeastern, Pace, Penn State, Pepperdine, Rutgers Camden, Arizona State, South Texas College of Law, SMU, St. John's, Stanford, Berkeley, Chicago, Denver, Illinois Urbana-Champaign, Miami, University of Pittsburgh, San Diego, Texas, Wisconsin, and Yale.
Over 50 members of CUA law school classes from 2006 through 2016 have established a tradition of excellence and success in the Vis. Our record through seven years of competing in international arbitration moots surely places our team and our school in the upper echelons of United States law schools.

The task of those who follow is to maintain and build upon the exceptional work of their predecessors.

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This report would not be complete without expressing deep appreciation of the devoted work of four alumnae who serve as volunteer coaches of our team. This is the second year that Raeka Safai ‘07 and Renée-Lauren Ellis ‘10 have devoted their time and passion to working with the CUA Vis team. This year they were joined by Kirsten Bender ‘13 and, in the spring semester, by Francis Bishop ‘13, who were Co-captain and Captain of the 2013 team. The strong results of this year and last year would not have been possible without their devotion, skill and wisdom.

We also acknowledge the work of Michelle Curth in chairing our alumnae/i fund drive -- and express our deep appreciation to our alumnae/i and friends whose contributions helped fund the team’s work in academic year 2013-2014.