



## **CAM-CCBC PRE-MOOT WITH DEMAREST ADVOGADOS 2019 RULES**

### **I. The CAM-CCBC Pre-Moot**

1. The CAM-CCBC Pre-Moot is a preparatory competition for participants of the Willem C. Vis Moot, which is recognized as the most acclaimed international commercial arbitration moot court competition. As the largest arbitral institution in Brazil, the CAM-CCBC is committed to encouraging academic studies in arbitration and to increasing awareness of alternative dispute resolution mechanisms.

### **II. Organization of the CAM-CCBC Pre-Moot**

2. The Pre-Moot is typically organized by the Center for Arbitration and Mediation of the Chamber of Commerce Brazil-Canada (CAM-CCBC).

3. In 2019, the CAM-CCBC and Demarest Advogados are joining efforts in co-organizing the Pre-moot.

4. **Language.** The Pre-Moot will be conducted in English.

5. **Rules.** These are the rules for the CAM-CCBC Pre-Moot 2019 ("Pre-Moot"). The rules of the Pre-Moot are reviewed annually and are subject to change from one edition to another. Reliance on any past rules or practice will not in itself be an acceptable excuse for the failure to comply with the rules of the current Pre-Moot.

### **III. Registration**

6. Registration in the Pre-Moot is a one-step process consisting of completion of the registration form. There is no registration fee. Registration is limited and will be accepted from 29 November 2018 until 19 December 2018. If the number of registered teams exceed the room capacity at Demarest Advogados, the Pre-Moot administration shall, at its own discretion, choose between the registered ones.

7. **Registration form.** The registration form includes space for the name and address of the contact person. All communications concerning the Pre-Moot will be sent by e-mail to the

nominated contact person. It is that person's responsibility to distribute all relevant material and communication to the team. Teams are responsible for ensuring that the contact person information contained in the team account is kept up to date.

#### **IV. The Problem**

8. **Problem.** The Problem in the Pre-Moot corresponds to the Twenty-Sixth (2018-2019) Moot Problem, available at the official website of the Vis Moot.

#### **V. Teams**

9. **Composition.** Teams may come either from a law school or from another higher education institution that includes law as part of its program of study. Each participating law school or other institution may enter one team for the Vis Moot and another team for the Vis East Moot, as long as each team presents its respective registration in the competition. A team is composed of two or more students duly registered as members of that team in the Vis Moot or the Vis East Moot. No student is allowed to participate in more than one team. Team members from the same institution are not allowed to interchange students between themselves after 24 January 2019.

10. **List of team members and coaches.** The list of team members and coaches must be informed at the time the registration form is filled out. Members and coaches of the team may be dropped or added, but any changes in the composition of the team must be previously communicated, by e-mail, to the Pre-Moot administration.

11. Teams may include former participants. Students who have participated as orator in any elimination round hearings in a previous Moot, whether in Vienna or Hong Kong, cannot be an orator in this Pre-Moot, although they can be members of the team.

#### **VI. Oral Hearings**

12. **Date and Venue.** The oral hearings will be hosted by Demarest Advogados (Av. Pedroso de Moraes, nº 1201 - Pinheiros, São Paulo/SP, Brazil) on 16 and 17 February 2019.

13. **General Rounds.** Each team will argue four times in the General Rounds, twice as claimant and twice as respondent. Considering the logistics of the competition, it is not always possible to schedule the team's pleadings alternating between claimant and respondent.

14. **Duration of Oral Presentation.** The oral presentation of each team shall be made in thirty (30) minutes. The team should allocate equitably the time available to the two individual orators. However, the arbitral tribunal may exceed the time limits stated so long as neither team is allowed more than forty-five (45) minutes to present its argument, including the time necessary to answer the questions of the tribunal. It will be the responsibility of the tribunal to ensure that the teams are treated fairly.

15. **Questions by Arbitrators.** The arbitrators are requested to act during the oral hearings the way they would in a real arbitration, taking into account that this is an educational exercise. There are significant differences in style dependent both on individual personalities and on perceptions of the role of an arbitrator (or judge) in oral argument. Some arbitrators, or arbitral tribunals, may interrupt a presentation with persistent or even aggressive questioning. Other arbitrators, or arbitral tribunals, may listen to an entire argument without asking any questions. Therefore, teams should be prepared for both styles of oral presentation.

16. **Order of presentation.** Some panels of arbitrators will ask one team to present its argument on all issues before the other team is permitted to present its argument. Other panels of arbitrators will ask both teams to argue one issue first before they both argue in respect of a second issue. Normally the party who has raised the issue will argue first. Therefore, normally the claimant would argue first, if it is to present its arguments on all issues before the respondent is permitted to argue. However, if the respondent has raised an objection to the jurisdiction of the Arbitral Tribunal or other such defense, the panel would normally ask it to present its arguments

on that issue before the claimant responds to it.

17. The arbitrators will decide whether rebuttal arguments will be permitted. Whether or not rebuttal will be allowed can be expected to change from one argument to the next.

18. **Exhibits.** No exhibits may be used during the oral arguments that do not come directly from the Problem.

19. **Scoring.** Each arbitrator will score each of the orators on a scale of 50 to 100. The scores of the two orators will be added to constitute the team score for that panel. Therefore, each team could score a maximum of 200 points per arbitrator per panel, or a theoretical maximum of 2400 points for the four panels. Arbitrators will score the oral arguments of the panel without knowledge of the results of earlier panels.

20. The individual score given to an orator by an arbitrator is entirely within the discretion of that arbitrator. There is no requirement that the arbitral panel agrees on scores. However, the arbitrators may, and are strongly encouraged to, discuss scoring at the end of a hearing and prior to submitting the scores to the administration, in order to standardize the scores given, so that great discrepancies do not occur.

21. **Elimination Rounds.** After the general rounds, the scores of each team for its oral presentations in the four panels will be totaled. The eight teams that have obtained the highest composite scores will meet in the first round on Sunday, 17 February 2019. In the elimination rounds, only one team per law school or other institution is allowed to compete. If two teams of the same law school or other institution are ranked within the eight highest scores, the one best ranked will remain and the other will be replaced by the eliminated team with the best score. If there is a tie for 8<sup>th</sup> place, the decision as to which team will enter the elimination rounds will be determined by lot. The teams will be paired so that the first and eighth, second and seventh, so forth, will argue against one another. Ranking of a team in the General Rounds will be announced to the participants at the closing ceremony of the General Rounds.

22. **Final Round.** The four winners of the Quarter-Final Round will meet in the Semi-Final Round. The two teams not selected for the Final Round will meet in the Third Place Round. The two winners of the Semi-final Round will meet in the Final Round.

23. **Determination as to which team is claimant and which is respondent.** If the two teams in any of the elimination rounds, including the final round, argued against one another in the general rounds, they will argue for the opposite party in the elimination round. If they did not argue against one another in the general rounds the determination as to which team will be claimant and which will be respondent will be done by lot. In the following rounds, when one of the two teams in the preceding round was claimant and the other was respondent, they will argue for the opposite party for which they argued in that preceding round. If both teams argued for the claimant or both argued for the respondent in the preceding round, the decision as to which team will be claimant and which will be respondent will be determined by lot.

24. **Winning Team.** The winning team of the oral phase of the Pre-Moot is the team that wins the final round.

## **VII. Sponsorship policy**

25. In line with CAM-CCBC's commitment to encourage academic participation in arbitration competitions, it has been sponsoring and supporting teams to enable the students to travel to Vienna and Hong Kong for the oral part of the Vis Moot. Given the increased number of teams and sponsorship requests, the CAM-CCBC has changed its policy in order to favor the teams participating in its Pre-Moot.

26. **Accommodation.** The CAM-CCBC will provide accommodation to non-Brazilian teams participating in the Pre-Moot as well as to teams coming from outside São Paulo, SP, in a hotel near the competition to be determined by the Pre-Moot administration. Other expenses shall be

borne by the teams.

27. **Prizes.** The following sponsorships will be granted as prizes based on the Final Round results:

1<sup>st</sup> place: thirty-five thousand reais (R\$ 35.000,00)

2<sup>nd</sup> place: thirty thousand reais (R\$ 30.000,00)

3<sup>rd</sup> place: twenty-five thousand reais (R\$ 25.000,00)

28. **Sponsorship.** Regardless of the results from this year's Pre-Moot, the CAM-CCBC will grant, at its own discretion, eight (8) sponsorships in the amount of twenty-five thousand reais (R\$ 25.000,00) to eight (8) Brazilian teams which participated in the previous edition of the Pre-Moot. Sponsorship requests shall be sent to [mootcam@ccbc.org.br](mailto:mootcam@ccbc.org.br) until 11 January 2019 and they can be presented in Portuguese.

29. **Oralists.** Demarest Advogados will award the three (3) Best Individual Oralists with one or more books related to the subjects of the Vis Moot, i.e. arbitration or contracts. These awards will be won according to the General Rounds results of the individual oralists with the three (3) highest average scores. To be eligible for this award an oralist must have argued at least once for the claimant and once for the respondent during the General Rounds.

#### **VIII. Contact Details**

30. All communications regarding the Pre-Moot shall be sent by email to: [mootcam@ccbc.org.br](mailto:mootcam@ccbc.org.br).