THE 4TH KL PRE-MOOT FOR THE WILLEM C. VIS INTERNATIONAL COMMERCIAL ARBITRATION MOOT 13th March – 15th March 2020

ASIAN INTERNATIONAL ARBITRATION CENTRE, KUALA LUMPUR, MALAYSIA

Handbook

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I. INTRODUCTION

The Handbook is designed to provide all students, coaches, arbitrators, volunteers, sponsors and supporting organisations with important information related to the 4th KL Pre-Moot (the "**Pre-Moot**") to the Willem C. Vis International Commercial Arbitration Moot (the "**Vis Moot**").

Please note that this Handbook may be updated from time to time as the Pre-Moot develops. When referencing documents, please note the version of the Handbook and the date of publication. The version and publication date may be found right hand bottom corner of the cover page. This document (and its subsequent editions) will always be available on the Pre-Moot webpage: https://bit.ly/klpremoot2020.

For any questions and/or comments, please contact the Organising Committee at pre-moot@aiac.world.

II. OVERVIEW OF THE PRE-MOOT

A. GLIMPSE ON THE PRE-MOOT

The Pre-Moot is an annual training opportunity for students that will be competing in the Vis Moot and students generally interested in international commercial arbitration.

The Pre-Moot echoes the goal of the Vis Moot since it is designed to stimulate the study of international commercial law and the use of arbitration to resolve international commercial disputes. Furthermore, in light of Malaysia's further development as an arbitration-friendly jurisdiction and growth of international arbitration caseload, it is important to encourage local and international students to study international arbitration. The overarching theme of the Pre-Moot is to educate the students about the importance of understanding the mechanisms of arbitration and to give them a glimpse of how to become an arbitration practitioner. The Pre-Moot is a unique initiative which helps talented students from all over the world experience the atmosphere of a real arbitral proceeding. The first edition of the Pre-Moot commenced when AIAC was known as the Kuala Lumpur Regional Centre for Arbitration. The competition lasted for three days (17th – 19th March 2017) and featured a broad array of hearings, educational and social events, as well as the very first Gala Dinner celebrating diversity of cultures. More than 150 students (36 teams from 15 different countries) and 116 arbitrators participated in the first edition of the Pre-Moot. The Champion of the international final was National Law University in Delhi, India. The winner for the Malaysian final was International Islamic University Malaysia.¹

The second Pre-Moot also lasted for three days (2nd – 4th March 2018) and featured the First Asian Conference for Students and Young Practitioners, jointly organised by the AIAC's Young Practitioners Group (the "**AIAC YPG**") and the ICC Young Arbitrators' Forum (the "**ICC YAF**"). The First Asian Conference for Students and Young Practitioners (1st – 2nd March 2018) allowed outstanding students and experienced arbitrators share their practical and academic experience along with their ideas. During the second Pre-Moot, the AIAC welcomed over 60 teams, with close to 300 participants, 177 hearings and 160 arbitrators from 21 countries, making it not only the largest Pre-Moot in Asia but one of the largest internationally. The Champion of the international final was Gujarat National Law University, India. The winner of the Malaysian final was Brickfields Asia College, Malaysia.

The third Pre-Moot was held on 22nd – 24th March 2019. The Pre-Moot opened with the conference titled "The Anatomy of International Arbitration: Procedure, Substance and Enforcement" jointly organised by the AIAC YPG and ICC YAF. The third Pre-Moot has proved itself to be the biggest pre-moot internationally: the AIAC welcomed 90 teams with close to 380 participants from 21 countries and 180 hearings with over 200 arbitrators. The Champion of international final was

¹ Pictures, videos, and previous winners of the Pre-Moot are available on our <u>website</u>.

National Law Institute (Bhopal). The winner of Malaysian final was International Islamic University Malaysia.

B. UNIQUE FEATURES OF THE PRE-MOOT

The Pre-Moot is distinct from other pre-moots due to the following benefits:

- 1. No registration fee;
- 2. Scholarships to cover accommodation in Kuala Lumpur during the days of the Pre-Moot (on a discretionary basis);
- 3. Light lunches provided daily;
- 4. Free passes to the welcoming reception and Gala Dinner;
- 5. Free passes to the Conference on 12th March 2020;
- 6. Coaching pairings; and
- 7. Awards and prizes.
- C. ORGANISING COMMITTEE OF THE PRE-MOOT

The Organising Committee of the Pre-Moot consists of the following members:

TATIANA POLEVSHCHIKOVA, Deputy Head of Legal, AIAC

Tatiana is involved in the administration of international and domestic arbitrations, adjudications, mediations and domain name disputes. She also works on various projects relating to alternative dispute resolution policies, revision of the AIAC Arbitration Rules and AIAC Fast Track Arbitration Rules, as well as co-chairing the Young Practitioners' Group under the auspices of AIAC. Tatiana is actively involved in knowledge dissemination and is one of the organisers of the annual Pre-Moot for the Willem C. Vis International Commercial Arbitration Moot. Before joining AIAC, Tatiana practiced for three years in Russia and obtained an LLM degree as a Fulbright Scholar in the US.

ALBERTUS ALDIO PRIMADI, International Case Counsel, AIAC

In 2018, Aldio became the first Indonesian Counsel at the AIAC. Aldio is one of the few AIAC's Counsel who assists in a wide range of dispute resolution services: administered (international and domestic under the AIAC Arbitration Rules and AIAC Fast Track Arbitration Rules) and ad hoc arbitration matters, adjudication matters under the Construction Industry Payment and Adjudication Act 2012, domain name dispute resolution cases under the Uniform Domain Name Dispute Resolution Policy. In 2019, Aldio was appointed as a Secretary General of the AIAC Young Practitioners' Group. Before joining the AIAC, he obtained his Bachelor of Law from Universitas Gadjah Mada, Indonesia and interned at the China International Economic and Trade Arbitration Commission (CIETAC), Hong Kong. Aldio's passion for arbitration is portrayed by his numerous international arbitration moot competition appearances: Vis East Moot (Hong Kong) 2013; FDI Malibu 2014; IM-LAM Melbourne 2015; Vis Moot (Vienna) 2016; and IMLAM Singapore 2017. He was then trusted as the 2017 National Administrator for the Indonesian National Rounds of Philip C. Jessup International Moot Court Competition.

CHELSEA POLLARD, International Case Counsel, AIAC

Chelsea Pollard is an International Case Counsel at the Asian International Arbitration Centre (AIAC) in Kuala Lumpur, Malaysia. She was admitted to the California State Bar in December 2018 and graduated Cum Laude and Order of the Coif from Loyola Law School, Los Angeles. During her time at Loyola Law School, she competed at the 2nd Pre-Moot, in which she ranked 11th out of 257 oralists, and the 15th Vis East (Hong Kong), at which her team received an honourable mention for Claimant's Memorandum. At the AIAC, she manages arbitration, fast track arbitration, and adjudication matters and is involved in the organization of various events, such as Asia ADR Week 2019. She was appointed as the AIAC representative for the Commercial Arbitration Committee of the AIAC Young Practitioners' Group and elected as Co-Chair of the American Society of International Law's

New Professionals Interest Group. Prior to joining the AIAC, she was a Summer Associate at Arnold and Porter Kaye Scholer's Los Angeles Office. She also served as an extern in the United States District Court, Central District of California for the Honourable Dolly Gee and as a law clerk for the Federal Aviation Administration.

DARIO SIMONE PALMIOTTI, International Legal Intern, AIAC

Dario holds an LL.M. from National University of Singapore (NUS) in International Arbitration & Dispute Resolution (IADR). After graduating from NUS, Dario interned at HKIAC assisting the Secretariat in discharging his day-to-day duties. In 2019, he proceeded to take part in the Arbitration Academy for Arbitration Law, a summer school on international arbitration held each year in Paris.

He was a member of the Università Cattolica del Sacro Cuore's team in the 22nd Willem C. Vis International Commercial Arbitration Moot (2015) and obtained, with his team, an honourable mention for being ranked among the top 64 teams in the oral phase. Since 2017, he has been a coach for the Università degli Studi di Milano–Bicocca's team at the Willem C. Vis International Commercial Arbitration Moot.

Dario graduated from the Università Cattolica del Sacro Cuore in Milan in 2017 with the dissertation "The Annulment of the Arbitral Award".

EKATERINA BALIUK, International Legal Intern, AIAC

In 2019 Ekaterina obtained her Master of Law from the Higher School of Economics (Moscow) as well as studied International Public law and German civil law in Georg August Universität Göttingen (Germany). During her studies she participated in Philip C. Jessup International Moot Court Competition and Willem C. Vis International Commercial Arbitration Moot. She also appeared as a participant of the 2nd Pre-moot and arbitrator of the 3rd Pre-Moot. Prior to her internship at the AIAC, Ekaterina was also an intern in Egorov, Puginsky, Afanasiev and Partners law firm (Moscow) directly working with cases on international commercial arbitration.

HAARSHAL DOSHI MILANKUMAR, Legal Intern, AIAC

Haarshal has obtained his LLB in 2017 from the University of Manchester, UK and is a member of Middle Temple, UK. He has been involved in a few university moot competitions and also taken an ADR-ODR accreditation course for international commercial mediators.

At AIAC, Harshal assists Legal and Business Departments also in a wide range of tasks, including but not limited to legal research, legal editing, organisation and marketing of events

IMRAN SHAH, Legal Intern, AIAC

Imran Shah is a third-year law undergraduate (LLB) Hons in Mara University of Technology ("UiTM"). In 2017, he proceeded to take part in Alternative Dispute Resolution ("ADR") course in UiTM and obtained an excellent grade. He was a member of the UiTM's team in the 1st ICC-AIAC Vis Pre-Moot for the Willem C. Vis International Commercial Arbitration Moot (2017). He has also acted as the AIAC YPG student representative and organised a conference in UiTM titled "Laws of Shipping and Admiralty: Are we in Sink?" Prior to his internship at the AIAC, Imran Shah was also an intern in Lee Hishammuddin Allen & Gledhill working directly under Mr Megat Hizaini Hassan dealing with issues pertaining to legal and regulatory specifically in Islamic Finance Practice.

Having keen interest in Alternative Dispute Resolution (ADR), Imran is also a member the Young Members' Group of CIArb Malaysia.

SURAGNI PANDIT, International Legal Intern, AIAC

Suragni obtained her Bachelor of Law from ILS Law College, India and then went on to complete her Masters in International Commercial Law with Alternative Dispute Resolution (Arbitration) from the University of Reading, United Kingdom. She also holds a diploma in International Business Law and Corporate Law along with a Diploma in Competition Law. During her studies she interned at various law firms in India and Thomas Philip Advocates and Solicitors in Kuala Lumpur. She has also participated in various National Moot Court Competitions in India.

D. SPONSORS AND SUPPORTING ORGANISATIONS²

If your organisation/employer is interested in sponsoring or supporting the Pre-Moot, please request the sponsorship packages from the Organising Committee at pre-moot@aiac.world.

E. COACHES³

If you are interested to volunteer as a Coach, please complete the Coach Registration Form <u>here</u>.

F. SCHEDULE OF THE PRE-MOOT⁴

Thursday, 12th March 2020

Time	Agenda*	Venue
09:00 - 16:45	The Conference	Auditorium, AIAC
17:00	Closing Ceremony of the Conference	Pavilion, AIAC
	and Welcoming Reception of the Pre-	
	Moot	

(*further details will be available on the Pre-Moot webpage soon)

Friday, 13th March 2020

Time	Agenda	Venue
08:30 - 10:00	General Rounds 1	Hearing Rooms
11:00 – 12:30	General Rounds 2	Hearing Rooms
12:30 - 14:30	Lunch and	Dining Room
	Friday Prayers	Mosque
14:30 - 16:00	General Rounds 3	Hearing Rooms
16:30 - 18:00	General Rounds 4	Hearing Rooms

Saturday, 14th March 2020

² To be updated soon

³ To be updated soon

⁴ To be updated at the beginning of February 2019. Subject to changes

Time	Agenda	Venue
08:00 - 09:30	General Rounds 5	Hearing Rooms
10:15 – 11:45	General Rounds 6	Hearing Rooms
11:45 – 13:15	Lunch	Dining Room
13:15 – 13:45	Announcement: Top 32	Auditorium
14.00 - 15.30	Top 32 Rounds	Hearing Rooms
15:45 – 16:00	Announcement: Top 16	Auditorium
16:15 – 17:45	Top 16 Rounds	Hearing Rooms
17:45 – 18:00	Announcement: Quarter-Finals	Auditorium
18:00 - 19:30	Quarter-Finals	Hearing Rooms
19:45	Announcement: Semi-Finals	Auditorium

Sunday, 15th March 2020

Time	Agenda	Venue
08:30 - 10:30	Semi-Finals	Hearing Rooms
11:00 – 11:30	Announcement for International & Malay-	Seminar Room 1
	sian Finals	
11:30 – 13:30	Third-Place Round	Seminar Room 1
	Malaysian Teams Final Rounds	Seminar Room 2
14:00 - 16:00	Final Round	Auditorium
16:00 - 18:00	Award & Closing Ceremony	Auditorium
19:00	Gala Dinner	Pavilion

G. ACCOMMODATION ASSISTANCE

The Organising Committee will endeavour to provide accommodation to teams outside of the Klang Valley, Malaysia. Please note that such support is limited and provided on an <u>as-need basis only</u>. Thus, applying teams must submit applications containing a statement of necessity. The Organising Committee will review submitted applications and confirm further details on the accommodation arrangements. Should your academic institution receive such accommodation offer, please note that AIAC will be able to cover accommodation for only <u>four</u> team members per team from <u>11th – 16th March 2020</u>.

Academic Awards	
Champion	
Runner-Up	
3 rd Place	
4 th Place	
Winner of the Malaysian Final	
Runner-Up of the Malaysian Final	
Best Oralist of the International Final	
Best Oralist for the Malaysian Final	
Best Oralist Elimination Rounds	
Best Oralist for the Preliminary Rounds	
Runner-Up for the Best Oralist of the Preliminary Rounds	
3 rd Best Speaker in the Preliminary Rounds	
4 th Best Speaker in the Preliminary Rounds	
5 th Best Speaker in the Preliminary Rounds	
6 th Best Speaker in the Preliminary Rounds	
Best Memorandum for Claimant	
Honourable Mention for Best Memorandum Claimant	
Best Memorandum for Respondent	
Honourable Mention for Best Memorandum for Respondent	
Best Outline for Claimant	
Honourable Mention for Best Outline for Claimant	
Best Outline for Respondent	
Honourable Mention for Best Outline for Respondent	
Non-Academic Awards	
Spirit of the Pre-Moot	
Party Guru	
Social Media Diva	
The Early Bird Team	
Lawyer by day. Traveller by night	

- Lawyer by day, Traveller by night
 - Comeback Kings and Queens

III. RULES OF THE PRE-MOOT

A. SCOPE OF APPLICATION

The rules of the Pre-Moot incorporate the Vis Moot Rules (accessible <u>here</u>), with the following exceptions:

- Teams participating in the Pre-Moot may submit either Memoranda <u>or</u> Outlines. However, all academic institutions which are attending the Vis Moot in Vienna and/or the Vis (East) Moot in Hong Kong must submit their Memoranda. Therefore, if an academic institution, which participates in the Vis Moot in Vienna and/or the Vis (East) Moot in Hong Kong, sends multiple teams to the Pre-Moot, it must submit a Memoranda and is not eligible to submit an Outline;
- 2. To be eligible for the Best Memorandum or Best Outline Awards, the interested team must timely submit a Memorandum or Outline, respectively. No extensions of time will be granted by the Organising Committee. The teams that fail to submit their Memoranda or Outlines may still compete in the oral pleadings;
- 3. In line with Rule 52 of the Vis Moot Rules, Outlines may be no longer than twelve (12) 8½ x 11 inch or A4 typed pages, including any statement of facts, argument or discussion and conclusion. Cover pages, tables of contents, indices, lists of authorities or other material that does not consist of facts, argument, discussion or conclusions may exceed the twelve (12) page limit;
- 4. In line with Rule 53 of the Vis Moot Rules, no type smaller than 12 point may be used, including quotations or other nonargument parts of the Outline. The Outlines should be typed at 1½ linespacing. All margins must be at least one inch or 2.5 cm;
- 5. In the Vis Moot, following the submission of Claimant's Memorandum, the Memoranda will be exchanged for the purpose of writing Respondent's

Memorandum. In the 4th Pre-Moot, there will be no exchange of Memoranda nor Outlines. Thus, Respondent's Memorandum or Outline is to be responsive to a hypothetical Claimant's Memorandum or Outline; and

- 6. The Memoranda and Outlines are to be submitted <u>here</u>. The Memoranda and Outlines are due at **23:59 MYT** on the following dates:
 - (i) <u>Memorandum or Outline for the Claimant</u>: Friday, 6th December 2019;
 - (ii) <u>Memorandum or Outline for the Respondent</u>: Friday, **24th January 2020**.

A confirmation email will be sent upon successful submission.

- B. TEAMS
- 1. Registration

Participation in the 27th Vis Moot and/or 17th Vis (East) Moot is not compulsory, and all students of law interested in commercial arbitration and development of their oral advocacy skills are encouraged to participate in the Pre-Moot.

- a. Each academic institution can only delegate **three teams** to participate in the Pre-Moot. In the event there are more than one team representing an academic institution, students are not allowed to be members of more than one team;
- b. Each participating team must have a minimum or two students, but there is no maximum number of students for each team;
- c. For team registration, please complete the online registration form <u>here</u>. Upon registration, the principal contact will receive a confirmation email as well as the option to edit its registration form before the registration deadline;
- d. There is no registration fee; and
- e. The deadline for the team registration is Thursday, <u>31st January 2020</u>,
 <u>23:59 MYT</u>.

2. Disclosure requirement

Pursuant to Rule 85 of the 27th Vis Moot Rules and Rule 76 of the 17th Vis (East) Moot Rules, all participating teams are required to disclose their team pairings as soon as the Vis Moot and Vis (East) Moot pairings are released to avoid any conflicts of interest. It is the obligation of the participating teams to raise any potential conflict of interest by no later than 1st February 2020. The Organising Committee is not responsible for any breach of the Vis Moot or Vis (East) Moot Rules by the participating teams.

C. ARBITRATORS

1. Registration

To register as an arbitrator, please complete the online registration form <u>here</u>. Upon submission of the registration form, the interested arbitrator will receive an email confirming receipt of the registration form by the Organising Committee. However, please note this confirmation of receipt does <u>not</u> guarantee confirmation as an arbitrator of the Pre-Moot. Once the Organising Committee confirms the arbitrator, he or she will receive an email stating that he or she has been confirmed as an arbitrator of the Pre-Moot.

2. Eligibility

Successful applicant must satisfy the following criteria to participate as an arbitrator:

- a. Experience in international and/or domestic arbitration (Arbitrator, Counsel, Tribunal Secretary, Expert Witness, etc.). Applicants with experience in other forms of ADR are subject to approval by the Organising Committee;
- b. Completed law degree (JD, LLB or equivalent). Please note that:
 - i. Current students pursuing their JD or LLB, or other equivalent law degree, may not participate as arbitrators;

- ii. Students currently pursuing their LLM, PhD or other relevant postgraduate degree may be considered by the Organising Committee on a case-by-case basis; and
- iii. Fresh law graduates pursuing their bar course, pupillage or other relevant pre-qualification programmes may be considered by the Organising Committee on a case-by-case basis; and
- c. Mooting experience, either as a coach, arbitrator or participant (preferred).

IV. DATES AND DEADLINES

DATE	AGENDA
Friday, 4 October 2019	Distribution of the Vis Moot Problem (click <u>here</u>)
Thursday, 24 October 2019	Deadline for Request for Clarification of the Vis Moot
	Problem
Thursday, 28 November	Closing date for Submission of Registration Form of
2019	teams for the Vis Moot
Thursday, 5 December 2019	Vis Moot Deadline for Claimant's Memorandum and
Friday, 6 December 2019	Pre-Moot Deadline for Claimant's
	Memorandum/Outline (to be considered for Awards)
	at 23:59 (MYT)
Friday, 6 December 2019	Payment of Registration Fee for the Vis Moot Due
Thursday, 23 January 2020	Vis Moot Deadline for Respondent's Memorandum
	and
Friday, 24 January 2020	Pre-Moot Deadline for Respondent's
	Memorandum/Outline (to be considered for Awards)
	at 23:59 (MYT)
Thursday, 31 January 2020	Pre-Moot closing date for Team registration
Thursday, 12 March 2020	The Conference followed by the
	Welcoming Reception for participants of the
	Welcoming Reception for participants of the Pre-Moot and speakers of the Conference
Friday, 13 March 2020	
	Pre-Moot and speakers of the Conference
Friday, 13 March 2020	Pre-Moot and speakers of the Conference Day 1 of the Pre-Moot (General Rounds)
Friday, 13 March 2020	Pre-Moot and speakers of the Conference Day 1 of the Pre-Moot (General Rounds) Day 2 of the Pre-Moot
Friday, 13 March 2020 Saturday, 14 March 2020	Pre-Moot and speakers of the Conference Day 1 of the Pre-Moot (General Rounds) Day 2 of the Pre-Moot (General and Elimination Rounds)
Friday, 13 March 2020 Saturday, 14 March 2020	Pre-Moot and speakers of the Conference Day 1 of the Pre-Moot (General Rounds) Day 2 of the Pre-Moot (General and Elimination Rounds) Day 3 of the Pre-Moot
Friday, 13 March 2020 Saturday, 14 March 2020	Pre-Moot and speakers of the Conference Day 1 of the Pre-Moot (General Rounds) Day 2 of the Pre-Moot (General and Elimination Rounds) Day 3 of the Pre-Moot (Semi-Final, Final, Awards Ceremony and Gala Din-
Friday, 13 March 2020 Saturday, 14 March 2020 Sunday, 15 March 2020	Pre-Moot and speakers of the Conference Day 1 of the Pre-Moot (General Rounds) Day 2 of the Pre-Moot (General and Elimination Rounds) Day 3 of the Pre-Moot (Semi-Final, Final, Awards Ceremony and Gala Din- ner)
Friday, 13 March 2020 Saturday, 14 March 2020 Sunday, 15 March 2020 Sunday, 20 March 2020 to	Pre-Moot and speakers of the Conference Day 1 of the Pre-Moot (General Rounds) Day 2 of the Pre-Moot (General and Elimination Rounds) Day 3 of the Pre-Moot (Semi-Final, Final, Awards Ceremony and Gala Din- ner) Willem C. Vis (East) International Commercial Arbitra-

V. TRAVELLING FROM KUALA LUMPUR INTERNATIONAL AIRPORT (KLIA or KLIA 2)

Option 1: Bus

You can take the bus, either Airport Coach or Star Shuttle to KL Sentral station. It will cost you around RM10-12 (one way) and will be approximately 1-hour of journey.

Option 2: KLIA Express

You can take the KLIA Express to KL Sentral station. It will cost you RM55/person and the journey will take approximately e 30 minutes.

Option 3: Taxi

You can take the Taxi/Grab/myCar/Dacsee/EzCab straight to your hotel. It should cost around RM65-RM90. Standard Grab cars can fit a maximum of 4 people.

VI. VISA AND TRANSPORTATION

A. VISA

It is vital to start applying for your **visa** (if required) at least **8 weeks before your arrival to Malaysia.** Changes have been made to the visa process in 2018, therefore it is recommended for you to start applying your visas early so that you and your team have sufficient time to complete any shortfalls or additional documents that may be required by the authorities to approve your visa. Please note, your **passport** must be valid for at **least 6 months from your departure date** to be able to obtain a visa.

Visa information for Malaysia can be found on the website for the Immigration Department of Malaysia. ASEAN nationals, except Myanmar, are not required to obtain a visa for a stay less than **thirty (30) days**. Additional information can be clarified at the Malaysian embassy or consulate in the country of your residence.

If you require an official invitation, please kindly send a copy of the ID page of your passport to the Organising Committee at <u>pre-moot@aiac.world</u>. The subject line of the email should include the following: [OI – VISA – FULL NAME OF THE AP-PLICANT/ACADEMIC INSTITUTION].

B. GETTING AROUND KUALA LUMPUR

Kuala Lumpur is a busy city and gridlocked traffic is common, but it has an extensive network of buses, taxis, light rail commuter trains, monorails and trains. Thus, getting around the city is easy.

It is not advisable for you to use taxis and buses during rush hour, which is typically between 07.30AM – 09.30AM and 5:00 – 7.30PM. Instead, utilise Kuala Lumpur's comprehensive urban rail-based network; it has lessened the city's traffic jams by serving between 130,000 to 150,000 commuters per day.

Further detail on Lines: <u>http://www.kuala-lumpur.ws/gettingaround.htm</u>