

Moot Court International Commercial Arbitration (B001770)

Due to Covid 19, the education and assessment methods may vary from the information displayed in the schedules and course details. Any changes will be communicated on Ufora.

Course size	<i>(nominal values; actual values may depend on programme)</i>			
Credits 12.0	Study time 360 h	Contact hrs	90.0h	
Course offerings and teaching methods in academic year 2021-2022				
A (Year)	English	Gent	group work	90.0h

Lecturers in academic year 2021-2022

Piers, Maud RE21 lecturer-in-charge

Offered in the following programmes in 2021-2022

	crdts	offering
Master of Laws in Laws	12	A
Master of Laws in European Union Law	12	A
Master of Laws in International and European Law	12	A
Master of Laws in International Business Law	12	A
Exchange Programme in Law	12	A

Teaching languages

English

Keywords

international commercial arbitration, international sales law, moot court, training of written and oral skills

Position of the course

1. Impart a thorough understanding of the importance and functioning of international Commercial law and of commercial arbitration.
2. Identify and analyze issues of fact and law that arise in a business context and in a commercial arbitration procedure.
3. Conduct research on the different positions that one may take vis-à-vis a legal case, taking into account the international context of the dispute and keeping in mind the respective positions to be defended (being that of claimant, or respondent). The students employ a comparative legal method and get acquainted with the different methods used in the common law and the civil law systems.
4. Draft memoranda in English defending opposite positions of claimant and consecutively of respondent.
5. Defend the respective positions orally and become proficient in the art of advocacy.
6. Understand and situate legal reasoning against the cultural background in which it is employed through the encounter with teams from more than 350 universities worldwide.

Contents

Students are taught how to develop and present legal arguments from a practical point of view, both in writing and orally. This exercise is made on the basis of a detailed fictional case file, which invariably includes procedural arbitration issues and material issues of international sales law.

Assignment 1: identify and analyse the issues of international business law and international commercial arbitration that arise in the mock case, and study the relevant law, case-law and doctrine on these issues

Assignment 2: draft written memoranda in English on the positions of both claimant and respondent in this mock case, and underpin their respective positions with relevant legal arguments

Assignment 3: incorporate the written arguments into a pleading note that anticipates the points of view and arguments raised by opposing counsel; participate in the oral sessions organized in

the pre-moot and the actual moot competition in Vienna.

Initial competences

- Have a basic knowledge of contract law, procedural law, and private international law
- Be proficient in English
- Have good communication skills
- Be able to work in team

Final competences

- 1 Have knowledge of and insight into international business law and international commercial arbitration
- 2 Conduct legal research and assess and analyse relevant sources in order to build a sound legal argument.
- 3 Identify and analyze complex legal conflicts of arbitration law and international commercial law.
- 4 Develop and defend a legal argument before an international and multicultural audience
- 5 Defend a legal argument in writing
- 6 Defend a legal argument orally.
- 7 Understand and assess the different approaches in the international commercial practice and the arbitration practice and law of different countries
- 8 Collaborate with a team that is diverse in terms of the legal and cultural backgrounds of its members

Conditions for credit contract

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

Conditions for exam contract

This course unit cannot be taken via an exam contract

Teaching methods

Group work

Learning materials and price

All documents that are distributed by the organizers of the moot court. This happens directly by the organization by means of its Internet site and by means of the department which makes the documents available on Ufora.

Furthermore: all relevant sources (books, treaty texts, reports, articles, ...) that physically or electronically can be consulted in the faculty or central library.

References

- G. BORN, *International Commercial Arbitration* (2nd edition), Kluwer Law International, 2014.
- N. BLACKABY, C. PARTASIDES, A. REDFERN & M. HUNTER, *Redfern and Hunter on International Arbitration* (6th edition), Oxford University Press, 2015.
- J. LEW, L. MISTELIS & S. KRÖLL, *Comparative International Commercial Arbitration*, Kluwer Law International, 2003.
- J. WAINCYMER, *Procedure and Evidence in International Arbitration*, Kluwer Law International, 2012.
- L. BOSMAN, *ICCA International Handbook on Commercial Arbitration*, ICCA, 2020 (loose leaf).
- I. SCHWENZER (ed.), *Commentary on the UN Convention on the International Sale of Goods*, Oxford University Press, 2010.
- H. FLECHTNER & J. HONNOLD, *Uniform Law for International Sales under the 1980 United Nations Convention*, Kluwer Law International, 2009.
- F. FERRARI, H. FLECHTNER & R. BRAND (eds.), *The Draft UNCITRAL Digest and Beyond: Cases, Analysis and Unresolved Issues in the UN Sales Convention*, Sellier, 2004.
- J. LOOKOFSKY, *Understanding the CISG*, Kluwer Law International, 2008.
- L. MISTELIS, M. PERALES VISCACILLAS & S. KRÖLL (eds.), *The UN Convention on Contracts for the International Sale of Goods*, C. H. Beck Verlag, 2011.

Course content-related study coaching

Within this form of problem directed education, the clearing process consists of coaching situations and independent learning situations, where the coaches provide support throughout the academic year (strategy, approach, group processes, ...) as well as specifically with regard to the end products (Memoranda and Pleadings).

The guidance and coaching are organized in the form of an intensive sequence of coaching

and pleading sessions, that support the learning process through a series of interim and preparatory tasks.

This series of exercises is completed with a personal coaching of the students, which varies from the possibility to present questions by e-mail to personalized coaching sessions if the coaches see a need to do this in the interest of the individual and/or the group.

For each coaching session the available educational supporting technology (UFORA, ...) and the provided infrastructure (pleading room,...) will be used intensively.

When useful, the lecturer calls on external experts.

Assessment moments

continuous assessment

Examination methods in case of periodic assessment during the first examination period

Examination methods in case of periodic assessment during the second examination period

Examination methods in case of permanent assessment

Simulation, Participation, Peer assessment, Assignment

Possibilities of retake in case of permanent assessment

examination during the second examination period is not possible

Extra information on the examination methods

Non-periodic evaluation, where 40% of the evaluation is based on the Memoranda, 30% on the Pleadings and 30% on the preparatory tasks and participation in the coaching and pleading sessions.

Calculation of the examination mark