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ARTICLES

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Eric E. Bergsten[*]

To talk about the Vis Moot in a law school setting is to talk about the pedagogy of educating students in the law and the practice of law. It is of particular interest in this context that when I first became a law professor slightly more than 50 years ago there was little to no discussion of pedagogy in the law schools. We taught as we had been taught, that is by the case method introduced by Christopher Langdell at Harvard in the 1870s. We received no training or even much discussion about what should be the goals of legal education or how those goals might be achieved. That is not at all strange. There are few areas of higher education in which the professors have had any training in how to teach even today and in most, if not all, countries.

That began to change in the law school world with the introduction of legal clinics during the 1960s. However, at that time the experiential education that the clinics provided was a decidedly low prestige affair.

There is currently a great deal written about experiential education in American legal education. It began in earnest with the MacCrate Report of 1992, followed by the 2007 Carnegie Report and most recently by the amendments to the Standards and Rules of Procedure for Approval of Law Schools that come into force in 2016. The MacCrate Report called for a practice-oriented, rather than theory-oriented, approach to legal education.

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[*] Professor Emeritus of Law, Pace Law School. This article is a slightly modified version of the 22nd Annual M.W. McLean Lecture on International Law given at the University of Pittsburgh Law School on April 29, 2015.

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The amended Standards implement that suggestion by stating that the curriculum must include a requirement of at least one or more experiential course totaling at least six credit hours. The Standard goes on to say that an experiential course must be a simulation course, a law clinic, or a field placement.

I have to admit that I have not read much of the literature on experiential education in law schools but my impression is that it is largely written by the clinical faculty. They would be unlikely to write about preparing and teaching simulation courses. I am sure there is even less on moot courts as one way to fulfill the experiential requirement, perhaps because the typical moot court would not fulfill the specific requirements for a simulation course set out in the Standard. The Vis Moot might, depending how it is handled at the individual law school.

Moot courts began as experiential education, essentially part of an apprenticeship training to become a barrister. It seems that moot courts date back to the early years of the common law. When legal education began in a systemized fashion in the United States and other former English colonies, they included moot courts as part of the program. The extent to which moot courts were thought of in terms of their pedagogical value is not clear or whether they were included in the law school programs because the students enjoyed them, as I have seen suggested. I know that when I was a law student many years ago it was mandatory to participate in a moot court argument at my law school, but it was not clear to me then what value the experience of the argument had for me, nor is it clear to me now. For me at any rate, it was a task to be endured rather than enjoyed.

In addition to the specific future job training aspect of experiential education, there is another approach, a pedagogical theory, to explain its value. That is, learning by doing enhances the student's desire to learn. The students are not treated as passive recipients of facts, but as active participants in the learning process. The pedagogical theory was developed in regard to the teaching of children by such as educational philosophers as John Dewey and Maria Montessori. However, what is effective pedagogical theory and practice in regard to children is also effective with adults, including law students. Of course, the specific techniques to be employed differ based on the age and maturity of the students and in regard to the specific learning that is desired, but the approach remains the same.

In an experiential learning environment, the students are called on to deal with what otherwise may be abstract concepts using their own powers

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of reasoning, imagination, and creativity. The role of the teacher/professor in this type of teaching is to structure the learning environment to encourage the use of those powers and to guide the students towards a fuller understanding of the subject matter.

The pedagogical value of experiential education does not come automatically by the student's immersion in a real or simulated practical experience. It should be obvious that a practical experience or a simulated practical experience, such as a moot, is of educational value only to the extent that it has been designed with educational goals in mind. This has been well recognized in respect of law school clinics and student externships. There is abundant literature articulating the constant need for the responsible law school supervisor to work closely with the students and in a field placement with the field supervisors. The need to work closely with the field supervisor in large part is a reflection of the fact that the field supervisor's emphasis on achieving student educational goals often (and understandably) ranks in precedence behind loyalty to the work of the host court or law office. This is an inherent problem in externships that can never be completely eliminated; it can only be reduced by careful selection of the externship placements, clear articulation to the field supervisors of the educational function of the placement and discussion as to how the educational goals might be achieved and constant monitoring of each placement.

Simulated practical experience may not have all of the emotional incentives that come with working in a real environment. However, it has a major advantage in that it can more easily be structured to achieve the desired educational goals. It can also be structured in such a way as to generate at least as much emotional incentive for the students as immersion in a real practical experience. We believe we have achieved that with the Vis Moot.

I do not wish to give the impression that we had a completely thought out pedagogical plan right from the beginning of organizing the Moot. We didn't. In fact, the original motivation for what became the Vis Moot was to promote among law students, and I might add their professors, an awareness of the existence of the United Nations Convention on Contracts for the International Sale of Goods, generally known as the CISG. The suggestion for such a moot had been made at the UNCITRAL Congress on International Commercial Law in 1992. The Convention had come into force in the United States and ten other countries on the first of January

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1988. In 1992 it was still largely unknown. Perhaps having a moot could help.

The Problems on which the students were to work in the first several years showed clearly the CISG origins of the Moot. They were restricted to an analysis of the legal rules in the Convention. It was in the third Moot that Michael Hoellering, General Counsel of the American Arbitration Association, and Werner Melis, Secretary General of the Vienna International Arbitral Centre, spoke to me and said that by naming the Moot the Willem C. Vis International Commercial Arbitration Moot, we purported to have organized a moot about arbitration, but that there were almost no arbitration issues involved. They both suggested that the Problems should include issues that arise in arbitration proceedings themselves and not those issues of arbitration law that arise in the courts. What they suggested would, in effect, combine theory and practice. Of course, what happens during the arbitration itself is governed by the relevant law of arbitration, which in the Moot is always the UNCITRAL Model Law on International Commercial Arbitration, and by the rules of the institution in which the procedures are taking place. The institution whose rules we use changes every year. In the recently concluded Moot it was the International Court of Arbitration of the International Chamber of Commerce in Paris.

It took several years before the structure of the Problems was worked out so that they could include both sales and arbitration issues in a reasonably balanced and realistic way. By the 5th Moot the Problems had taken on the basic structure that they have had ever since. The structure of the Problems is, of course, affected by the structure of the moot itself.

It should be noted that the structure of the Vis Moot is different from most, though not all, moot courts around the world and particularly in the United States. The typical moot court is set in an appellate court, which means that only legal issues are available for argument, not the factual issues that probably dominated the case in the trial court. Since the Moot involves a dispute in an international sales transaction that has been submitted to arbitration, both the legal and the factual issues are before the tribunal. In a simulated arbitration in the context of a seminar, over the period of a semester it would be possible to have the students examine witnesses and generally argue the facts to the tribunal as well as to argue the law. In the context of a moot that is in the form of a competition, this is

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not possible. Nevertheless, it is possible to introduce an element of factual uncertainty and investigation.

This has been accomplished in two ways. The first is that the Problem when distributed to the students consists of the facts alleged by the claimant and by the respondent. Rarely do those statements of fact in the Moot conflict, since there would be no way to resolve the conflict. However, the statement of facts is only a skeleton, somewhat like what a client might tell his lawyer when first approaching the lawyer for help in a dispute. There is always much more to the story and a lawyer has to probe to find out what those additional facts are that might be legally relevant. In the Vis Moot a bit of that is present when the students request clarification of certain issues. A good example arose in one Problem in which a purchase of wheat on FOB terms failed due to the alleged fault of the seller. The cover purchase by the buyer was at a higher price. The students were called upon to argue the amount of damages, among other things. The better teams submitted a request for clarification of the freight charges, since the buyer was responsible for them under the FOB term and the higher or lower freight charges on the cover purchase would affect the calculation of damages. The responses to the requests for clarification were sent to all teams and they became part of the Problem to be argued by the students in their memoranda and oral arguments. Those teams that had not made that particular request for clarification learned that it was an inquiry they should have made.

A second element that has been introduced into some of the Problems has been the potential ambiguity of uncontested facts. By way of example, in one of the Problems the contract called for the seller to deliver the goods to a port in its country by a fixed date with a fixed penalty for each day of delay. Meeting the deadline was of extreme importance to the buyer. The buyer was to arrange the ocean carriage and payment was by means of a letter of credit. About a week before the deadline the representative of the seller called the representative of the buyer and said that they would miss the deadline by about a week. After the normal expressions of unhappiness, the buyer's representative said that he would take care of amending the "documents." He did have the contract of carriage and the letter of credit amended. Had he also agreed that the contract was to be amended, as the seller alleged and the buyer denied?

While the structure of the Problems has not changed in the past fifteen years, there has been a noticeable development. In the early years the sales

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transactions and the disputes that arose from them were typical professorial hypotheticals. The Problems raised the desired legal issues, but they were far from realistic. This began to change in a substantial way at the 13th Moot. One of the arbitrators at the previous Moots was a man by the name of Geoffrey Beresford-Hartwell. He was an engineer who had participated as arbitrator in a number of real arbitrations. He suggested to me that he had been arbitrator in a dispute that would make a good Moot Problem. It did and for the next several years he was my advisor on the factual issues in the sales dispute that were the subject of the arbitration. Unfortunately, he had a stroke and could no longer perform that valuable service for me and the Moot, but the role was taken over by Hew Dundas. He had at one point in his career been General Counsel of an oil company. His standing in the arbitration world is shown by his presidency of the Chartered Institute of Arbitrators, which is only one of many prestigious offices he has held. The Moot has benefitted greatly by the largely unknown role that these two gentlemen have played.

The increasing reality of the Moot Problems has a positive impact on the enthusiasm with which the students engage in the legal research and the presentation of the arguments in both written and oral form with the consequent enhancement of the learning process. However, it has another and equally important effect. The students face the complexities of business disputes in a way that they are unlikely to have experienced in the class room. How many of them have thought about problems in the supply chain of a finished manufactured item or with the implications of the Global Compact or conflict free coltan? And yet these are the types of issues arising in business and in business disputes on a regular basis.

In spite of having begun with no particular pedagogical goals in mind, we made a number of decisions in our original planning that turned out to be of fundamental importance. Our first decision was that, given that the Moot was to be an international moot, it should in every respect be imbued with the appearance and the reality of internationality. We thought it would detract from the appearance of internationality, especially when the Moot was new, if the Moot being organized by an American law school was to have the oral arguments in the United States. We therefore decided to hold the arguments in Vienna. Vienna was an obvious choice, first of all because of the symbolism of the presence of UNCITRAL in Vienna. It was also practical in that we would need logistical help and from my time at UNCITRAL I knew a number of persons in Vienna who might help. It has

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turned out that Vienna is an almost perfect place for the Moot. It is large enough so that we can accommodate all of the participants; there are all of the facilities that we need, and yet the city does not overwhelm the event as it might if we were in London or Paris.

A consequence of the desire that the Moot be as international as possible in both reality and in appearance, which was of no significance at the beginning when there were only eleven teams, is that the Vis Moot has no national rounds in which only the best one or perhaps two teams advance to the international rounds. In such a Moot the majority of the students argue against other students from their country in front of panels made up largely or completely of lawyers and professors from their own country. The only aspect of such a moot that is international for the majority of the students is the subject matter about which they have argued. Now that there are 300 teams competing in Vienna, the fact that there are no regionals is very much a factor in the organization of the Moot.

There is also a Vis Moot East held in Hong Kong that was organized after ten years of the Moot in Vienna. It is a completely separate moot, though it uses the same Problem and follows the same rules, with the exception of those matters relating to location and the dates of the oral arguments. With 100 teams competing annually, it has been a very successful way of accommodating more students and to make it easier for some of the teams from Eastern or South-Eastern Asia to travel to the orals. Some of those teams would not be able to participate at all if it were not for the Vis Moot East.

Another decision we made at the beginning was that the Moot should be fun for the students, especially during the period of the oral arguments. For one thing, we had all had international experience and knew how important it was to be able to meet one's foreign colleagues as friends. This is not networking; that comes later. It is creating an atmosphere of mutual understanding. Another aspect of the Moot being fun for the students is that learning is most easily accomplished when it is enjoyable. That is an essential part of the pedagogical theories of experiential education.

In addition to those pedagogical goals, making friends of the other students was a goal unto itself. The students would have worked hard for six months or so. Even if they received academic credit for participating in the Moot, the credit they received would not be commensurate with the amount of work involved. Hopefully the work itself was enjoyable, but during the period of the orals we should try to make it as much fun as we

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could achieve. We worried about this issue in planning the first Moot. How could several men over 60 year of age make the time in Vienna fun for students in their 20s? We did what we could. There was a reception for the students the evening before the arguments began and a banquet at the end. Not much, but something. We were saved by the man who had made the suggestion for what led to the Vis Moot at the UNCITRAL Congress. He took it upon himself to organize activities for the students in the evenings. Even more importantly, one of the eleven teams in the first Moot was from Australia and they, along with their professor, were the catalyst around which the students' activities revolved. Following the third moot the Moot Alumni Association was created and, in addition to their important professional activities, they now take it upon themselves to make sure that there are social activities for the students every evening.

What we didn't anticipate is the extent to which a large segment of the former Moot participants would consider themselves to be part of a Vis Moot family. They participate as coaches of later teams, come to the Moot to serve as arbitrators and, perhaps, to relive an aspect of their student days. Whatever be the reasons, their continuing enthusiasm for the Moot infects the current group of students and gives a wonderful atmosphere during Moot week.

We may not have decided at the beginning that the Moot should have as professional a tone as possible, but we soon did so. Naturally, there are limits on what one can do in a simulation, but it is possible to do a lot. There was no single specific action taken to give that tone to the Moot, it was more of a general attitude. The atmosphere of professionalism was certainly enhanced by the participation as arbitrators in the Moot of many lawyers who are in their professional life active in arbitration. Perhaps the presence as arbitrators of a number of recent Moot student participants who are now working in the field also suggested that participation in the Moot can really be the opening to professional engagement in this interesting field of legal practice. An important element of the professional atmosphere of the Moot is the numerous lectures on arbitration or the CISG that are organized during the week of the oral arguments. It is particularly significant that the Moot Alumni Association is among the sponsors of several conferences at the Moot every year. Even the presence of the major arbitration law publishers has added its bit to the atmosphere of a professional event.

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As important as internationalization, enjoyment and professional atmosphere have been to the success of the Vis Moot, the most important decision we made at its commencement is that, as it is expressed in the Rules of the Moot, "The Moot is designed to be an educational program with many facets in the form of a competition. It is not intended to be a competition with incidental educational benefits." The implementation of this decision has two aspects, developing the Moot as an educational program and minimizing the competitive element. Given the nature of the students, the competitive element to the Moot cannot be eliminated. Nor should it be, even if it could. The competition is an integral part of the Moot and it gives the students an incentive to do the best they can when preparing the memoranda and making the oral arguments.

The most obvious and surprising consequence to some observers of this policy is that the rules specifically state that "faculty advisors, coaches and others may help identify the issues, comment on the persuasiveness of the arguments the students have made in drafts and, when necessary, suggest other arguments the students might consider employing." There is nothing in the rules of the Moot that restrict the Moot preparation from being in the context of a course or seminar, and indeed that is how it is done in a number of law schools. Two American professors published a book to be used in such a course. About one-half of the book is on the CISG and the other half is on international arbitration.

Not all teams receive any instruction in the law of arbitration or the CISG or have a coach. It is against the tradition as to how moot courts are conducted in some places. That is particularly true in India. In other cases there was no one who was interested in taking on the task. I regret this, but there is nothing obvious that the organizers of the Vis Moot can do about it. In spite of the handicap that not having a coach is, the first team that consisted of only two oralists (the average number of students on a team is six) to win the Moot was from Calcutta. Not only did they not have any help in preparing their arguments, they had to go to Delhi to find a library that had the material they needed. Everything is possible if one wants it enough.

It is probably not surprising that those who serve as coaches are not necessarily professors. Some are practicing lawyers with significant experience. Others, especially in Europe, are graduate students serving as assistants in the law school. Yet others have participated as students and are either still in law school or are recent graduates. While professors and

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experienced lawyers have more background in the skills necessary to serve as coach of a team, the recent Moot participants also have something special to offer. They know what it is like to spend a week in Vienna surrounded by fellow students from around the world. Moreover, they have experienced the challenge of presenting their arguments to panels of arbitrators who do not have the same legal training as they do and as a result may approach the analysis of the law from a completely different perspective. I might say that I have considered the participation of young recent student participants as coaches and as arbitrators as a form of continuing legal education. The law, how to analyze it and to apply it to concrete factual patterns, looks different from the other side of the table.

At one point there was some concern that the memoranda at some schools were in fact being prepared by the coaches. I have no idea whether this was the case, but an addition was made to the rules that "the final product must be that of the students—not their advisors." This is not, of course, a problem in regard to the oral arguments. The students can receive as much coaching as is desired, since they still have to present their arguments to the tribunal themselves.

In addition to the coaching available to the students, there are many pre-moots held around the world at which the students are able to practice their skill in presenting the arguments in favor of the claimant or respondent, as the case may be. For the 22nd Moot that ended in April 2015, there were 35 pre-moots listed on the Moot website. The majority were in the United States or Europe, but there were also pre-moots listed in Brazil, Mexico, India and China. One pre-moot was an on-line event. There are also been a number of non-listed pre-moots as invitational events involving four to eight teams, though others such as the Middle-East pre-moot had a few more. Several of the pre-moots have become major events of their own with conferences attached, which draw an audience from outside the country in which the pre-moot is held.

The pre-moots have added to the value of the Vis Moot in a number of ways in addition to the practice the students gain in arguing to an arbitral tribunal. The students meet one another in a fundamentally non-competitive environment where they can easily make friends. By the time they arrive in Vienna they are already becoming members of the Vis Moot family. Especially where there conferences held in conjunction with the pre-moot, they can see that arbitration is truly an international activity with essentially the same rules and procedures throughout the world. Finally, it is no small

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matter that the arbitrators at the pre-moots are often composed of lawyers who would not otherwise be aware of the Vis Moot. In part because of the pre-moots, the Vis Moot is widely known and respected throughout the international arbitration community.

It has been mentioned already that professors, coaches and others associated with the team are permitted to give the students extensive help in preparing both the written and oral arguments. The rules do not say that they are encouraged to do so, but the entire atmosphere of the rules surely suggests that they are encouraged to do so. This happens at some of the 300 participating teams; it doesn't happen at other teams. However, outside criticism of the written and oral arguments is not restricted to those associated with the team. The instructions given to the arbitrators at the oral arguments in Vienna specifically encourage them to discuss with the students after the argument what was effective and what was not and it seems that most of the arbitrators do it. Nothing is said about what might be happening at the pre-moots, but surely it happens there as well. What has been striking is that I have received anecdotal reports that the teams themselves often offer their comments to the other teams against which they have argued or which they have seen argue. This is strong evidence that the students see the other students as colleagues in the learning process rather than as opponents in a competition.

The outside criticism of the memoranda prepared by the students is not as extensive as is the outside criticism of the oral arguments. However, the lawyers and professors who read and rank the memoranda are encouraged to submit comments on them. These comments are distributed to the teams, but they are distributed only after the end of the oral arguments. Nevertheless, several professors have told me that they and their students have found those comments to be useful to them.

Not only are the professors and coaches permitted and to a degree encouraged to aid the students in their preparations for the writing of the memoranda and for the oral arguments, but they also are permitted to participate in the judging of both the memoranda and the oral arguments, but not of course of their own teams. I don't know if this is the case in other moots. I know it was surprising when it was first instituted at the Second Moot. There was no grand design when it was first permitted. It solved a problem that we had. There had been eleven teams in the first Moot, all of which argued once for claimant and once for respondent, generating 11 arguments. The top two teams in the rankings argued in a final argument to

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determine the winner. Therefore, there were 12 arguments altogether. After the first Moot when we reviewed how it had gone, what should be continued in the Second Moot and what should be changed, we decided that with all of the effort required to prepare the memoranda and the expense of coming to Vienna we should increase the number of arguments per team to twice as claimant and twice as respondent. As it turned out there were 22 teams in the Second Moot, so we had two semi-final arguments in addition to the final argument between the winners of the semi-finals. We were faced with 47 arguments, in place of the 12 the year before. There were not enough lawyers who had agreed to act as arbitrators to staff all of the arguments. The solution was to ask the professors and coaches of the teams to also participate as arbitrators. I remember thinking that at least they knew the Problem.

Although this came about out of necessity rather than as a policy, I realized that there was a significant additional advantage. They were more likely to make friends with lawyers and professors from other countries than if they were in Vienna only to accompany their teams. They learned more about the differences in the legal systems of the countries participating in the Moot and more about the differences and similarities in legal education. A number of cross-system collaborations among the professors are a direct result. All this was to their personal benefit, but it also meant they became more deeply involved with the Moot than they otherwise would have been. They became better coaches and more committed to the continuing participation of students from their law schools in the Moot in following years.

In addition to the direct help the students are permitted to receive, they are encouraged to visit the arguments of other teams. They gain a perspective on the arguments that may be different from what it is like when they are themselves involved in the argument. There is one restriction, however. The teams are specifically prohibited from seeing the arguments of another team they are scheduled to argue against. The rule does not exist because they would gain any particular benefit from seeing a team argue that they would face later in the Moot. I doubt that there would be any such benefit. The reason for the rule is that going to see the argument of a future opponent may be done not for the purpose of learning more about how one might frame the arguments. It might be done for the purpose of "scouting." That is a competition oriented motivation and not a learning motivation. The rule is written in absolute terms so that the

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administrators of the Moot will not be called upon to judge whether the visit was inadvertent or deliberate and, if deliberate, was for the purpose of "scouting" or because the existence of the rule was not known. There have been three occasions when the rule has been invoked that I felt bad about, but the minimum one can say is that the students involved learned that when you are engaged in an activity with rules, you have to know what they are and be sure you act accordingly.

One aspect of the Moot that has received little attention is that teamwork rather than individual achievement is stressed. While a few teams consist of only the minimum number of two students, the majority consists of four to six students with a few reaching ten or more. The Moot website does not list the two students on the team that prevailed in the final argument. Instead, it is the team and only the team that is mentioned. It may be that several different students argued in earlier stages of the Moot. If they had not done well, the team that prevailed and the two students who appeared in the final argument would not have had that opportunity.

Each team submits a memorandum for claimant and a month later a memorandum for respondent. While setting the words on paper may be the work of a given member of the team, the research and review of the memoranda is the responsibility of all the team members. The reality of legal practice in the type of work that the Vis Moot simulates is always done in teams. Generally in law school, however, students are responsible only for their own performance. Even if they study with colleagues, examinations are taken alone. As understandable as that is for the purpose of assigning grades, it is not good preparation for the reality of the work done after graduation by most law students in private practice, government position or the corporate world.

The fact that the Moot is in the English language is both a difficulty and an opportunity for the non-Anglophone students. Even those non-Anglophone students who speak English relatively well may find that they are not as intelligent in this foreign language as they are in their mother tongue. A former chief of mine at UNCITRAL who was from Japan, told me that was his perception of himself. That the Moot is in English is an opportunity for the non-Anglophone students in that it gives them an opportunity to practice English in a professional context where the consequences of not being as intelligent as in their mother tongue are not so serious. That is of particular importance for the students who choose to participate in the Vis Moot since international business activity and dispute

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resolution is conducted largely in the English language. In this context it may be of interest to note that with one exception the team winners of the oral arguments have all been either Anglophone or German. It is also interesting that the winners of the best memoranda have been disproportionally from Germany.

There are a number of other procedures followed in the Vis Moot that have no particular pedagogical function, but are intended to minimize the sense that the Moot is a competition rather than an educational experience in the form of a competition. The names of the teams appear on the memoranda, just as the name of the client and the attorneys appear on pleadings in practice. The experience over the years is that there is no detectable discrimination on the basis of the country or university. Similarly, not only the name of the university represented by a team in the oral arguments is known; the students introduce themselves to the arbitrators. They are individuals and not anonymous actors.

There are no winners or losers in the four arguments of the general rounds. The two oralists for each team are scored and the cumulative 24 scores each team has received determine the 64 teams that argue in the elimination rounds. The scores given to the individual students by each of the three arbitrators are not sent to the teams until after the close of the Moot. Naturally, it is the nature of things that in the elimination rounds there have to be winners to go on the next round. However, even the teams that do not go to the next round of arguments are not losers, they are still winners. All teams that participate in the Moot are considered to be winners. None are losers. That is not only a slogan. It is something that is meant and our experience is that the students feel it as well.

Finally, there are no monetary prizes for doing well in the Moot. The experience itself should be more than sufficient to justify the hard work involved. Moreover, having done well in the Vis Moot, or even just having participated, is an excellent credential to add to one's CV.

The success of the Moot has been due to the work of many in addition to its organizers. Already mentioned have been the professors and coaches of the students at many law schools, as well as the courses and seminars they have taught that have incorporated the Vis Moot. Also one must mention the major contribution the pre-Moots have made. A special mention must be made of the program at Pittsburgh that has assisted so many students in Eastern and Southeastern Europe in past years and currently in the Middle East. Then there are the many organizations that

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have held conferences during the week of the Moot in Vienna or that have organized social events for the students and the arbitrators. Without all of their efforts, the Moot would not have become what it is today.

But, has it been a success? Surely one can point to the steady increase in the number of universities that have sponsored teams and the large number of countries from which they come. Two hundred ninety-eight university teams from 71 countries participated in the Twenty-second Moot that ended with the oral arguments in April 2015. However, that is the measurement of its success as an activity, not of its educational value. As is the case with all forms of experiential education, it is difficult to measure whether and to what extent the Moot has contributed to the students' preparation for the practice of law, job placement in appropriate work after graduation or, to the extent it is relevant, prestige of the law school.

Nevertheless, it can be safely asserted that the Vis Moot has been recognized by the practitioners of international arbitration for the valuable contribution it has made to the preparation of the newest generation of practitioners. Jan Paulsson, one of the leading figures in the field, has written as follows about the Moot.

> The importance of the Vis Moot competition, known to all arbitration specialists, is more than anecdotal. . . . [The students] proceed in accordance with a common set of procedures: well-known arbitration rules complemented by familiar texts relating to the reception of evidence, enforcement of arbitration agreements and awards, and ethics. These annual waves of highly motivated young scholars, all trained to view the legal problems of international trade through the same prisms of norm and method, later to be found as 'Vis Alumni' practising all over the world, should be acknowledged as a sociological phenomenon. Their common notions of principle and process will likely have a greater impact than decades of scholarly debate about the nature and function of *lex mercatoria*. They are not a tiny vanguard, but a significant and influential segment of the new community of practitioners.[1]

[1] JAN PAULSSON, THE IDEA OF ARBITRATION 274-75 (Oxford Univ. Press 2013).

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