

A Day of

International Arbitration in Study and Practice:

How-To's for Excelling in the Vis Moot
and Today's International Commercial
Arbitration World

Friday, October 26, 2012
8:30am–5:30pm

Location:

Allen & Overy LLP

1221 Avenue of the Americas
New York, NY

[Click to register](#)

3 CLE Credits. Professional Practice, Transitional and Non-Transitional

This is a full-day program celebrating 20 years of the Willem C. Vis International Commercial Arbitration Moot and honoring its organizer, Professor Emeritus Eric Bergsten. The morning session is for students participating in this year's Vis Moot competition: speakers will provide advice, insights and how-to's for competitors heading to Vienna and Hong Kong next year! The afternoon session is for international arbitration practitioners and arbitrators: speakers will focus on skills and techniques to ensure efficient arbitral proceedings, provide the latest developments in the application of the CISG by U.S. courts and the release of the UNCITRAL 2012 CISG Case Law Digest, as well as debate whether the United States should finally adopt the UNCITRAL Model Law on International Commercial Arbitration.

Presented by:



PACE LAW SCHOOL
PACE UNIVERSITY



ALUMNI & FRIENDS
of the
SCHOOL OF INTERNATIONAL ARBITRATION
CENTRE FOR COMMERCIAL LAW STUDIES, QUEEN MARY UNIVERSITY OF LONDON

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SCHEDULE OF EVENTS

8:30-9:00am Registration at Allen & Overy LLP
1221 Avenue of the Americas, New York, NY

9:00-9:10am Welcoming Remarks
Loukas Mistelis, Professor of Law &
Director, School of International Arbitration,
Queen Mary, University of London
Vikki M. Rogers, Director, Institute of International
Commercial Law, Pace Law School

STUDENT PROGRAM

**9:10-10:15am Navigating the Willem C. Vis International Commercial
Arbitration Moot**

Moderator, John Templeman, Global Arbitration Practice
Manager, White & Case LLP

Christian P. Alberti, Past President & Honorary Member,
Vis Moot Alumni Association & Assistant Vice-President,
International Centre for Dispute Resolution
*Researching and Drafting the Memoranda: Making the
Most of the Team Effort*

Hugh Carlson, Associate, Milbank, Tweed, Hadley &
McCloy LLP
*What to Expect in Vienna and Hong Kong: Preparing for
Oral Arguments*

Erika Levin, Adjunct Professor of Law, Rutgers School
of Law
*Life After the Moot: Establishing a Career in International
Arbitration*

10:15-10:30am Break

**10:30-11:40am Navigating International Sales Law and International
Arbitration**

Moderator, Linda Wayner, General Counsel, United Nations
and Consular Affairs at the Office of the Mayor of New York
City

Jack Graves, Professor of Law, Touro Law Center
*Applying International Sales Law: Assessing the "Gravity"
of a Breach of Contract*

Dana MacGrath, Senior Counsel, Allen & Overy LLP
*Working through Procedural Challenges: Understanding the
International Arbitration Hierarchy*

Suzanne Ulicny, Deputy Director, Arbitration and ADR,
North America International Court of Arbitration
*The Role and Implications of the Institutional Rules in an
Arbitration Proceeding*

**11:40-12:00pm Presentation in Honor of Professor Emeritus
Eric Bergsten, Organizer of the Willem C. Vis
International Commercial Arbitration Moot**
Presented by Vis Moot Alumni

12:00-1:00pm Lunch (for Student Program Only)

PRACTITIONER & ARBITRATOR PROGRAM

**1:00-1:30pm Practitioner and Arbitrator Registration at Allen &
Overy LLP**
1221 Avenue of the Americas, New York, NY

1:30-1:40pm Welcoming Remarks
Loukas Mistelis, Professor of Law &
Director, School of International Arbitration,
Queen Mary, University of London

Vikki M. Rogers, Director, Institute of International
Commercial Law, Pace Law School

**1:40-2:40pm Arbitration Proceedings: Making Room for Further
Efficiency**

Moderator, Kathleen Scanlon, Partner, Law Offices of
Kathleen M. Scanlon PLLC

Hansel T. Pham, Senior Associate, White & Case LLP
*Effective Use of Witness Statements in International
Commercial Arbitration*

Loukas Mistelis, Professor of Law &
Director, School of International Arbitration,
Queen Mary, University of London
*The Role of Technology in the Facilitation of Efficient
Arbitration Proceedings*

Mark D. Beckett, Partner, Latham & Watkins LLP
Have Institutional Rules More or Less Harmonized?

2:40-3:40pm Moderator, Vikki M. Rogers, Director, Institute of
International Commercial Law, Pace Law School

Franco Ferrari, Professor of Law & Director, Center for
Transnational Litigation and Commercial Law, New York
University School of Law
Recent trends in the Application of the CISG in U.S. Courts

Alejandro Garro, Adjunct Professor of Law, Columbia Law
School
*Discussion of the 2012 UNCITRAL CISG Case Law Digest
and Recent CISG Advisory Council Opinions*

3:40-3:50pm Break

**3:50-4:50pm DEBATE: Should the United States Adopt the UNCITRAL
Model Law on International Commercial Arbitration?**

Moderator: Caline Mouawad, Partner, King & Spalding LLP

Debaters: Henry Weisburg, Partner, Shearman & Sterling LLP
v. Louis B. Kimmelman, Partner, Allen & Overy LLP

**4:50-5:15pm Tribute to Pace Law School Professor Emeritus
Eric Bergsten and the Willem C. Vis International
Commercial Arbitration Moot**

James J. Fishman, Professor of Law, Pace Law School

John D. Feerick, Professor of Law, Fordham University
School of Law

5:15-5:30pm Break (move to offices of White & Case)

5:30-7:00pm Reception at White & Case LLP
1155 Avenue of the Americas, New York, NY

*Launch of the QMUL/W&C International Arbitration Survey
on the Arbitral Process*



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ABOUT PROFESSOR BERGSTEN

Professor Eric E. Bergsten was born in 1931 in the United States to parents of Swedish and Finnish origin. He was educated mainly in the United States and also studied for a year in France (Aix-en-Provence), obtained a B.S. from Northwestern University in 1953, a J.D. from the University of Michigan in 1956, an M.A. from Georgetown University in 1960, an M.Comp.L. degree from the University of Chicago in 1961 and finally his doctorate, D.Comp.L., again from the University of Chicago in 1972.

He has had a distinguished sixteen-year career with the United Nations where he served the United Nations Commission on International Trade Law (UNCITRAL), first as a Senior Legal Officer (1979-1985) and then as Secretary of the Commission. From 1985-1991 he was Chief of the International Trade Law Branch of the Office of Legal Affairs.

During his twenty-one years of law school teaching, he taught a number of commercial law and international law courses at

Fordham University (1991-1992), The University of Iowa (1961-1974), and Northwestern University (1964-1965). He started teaching at Pace University School of Law in 1992 and since 1999 he is an *Emeritus* Professor of the same University.

His numerous writings and teaching focus on commercial law and international trade law. In addition to his well-known general editorship of *International Commercial Arbitration* (Oxford University Press, New York) he has written the monograph *Community Law in the French Courts: The Law of Treaties in Modern Attire* (Martinus Nijhoff, The Hague). His most recent work focused on UNCITRAL Work, the UNCITRAL Model Law on International Credit Transfers, the UNCITRAL Convention on International Independent Guarantees and Stand-by Letters of Credit, and last but not least the United Nations International Convention on Contracts for the International Sale of Goods (CISG) for which during his time at UNCITRAL he wrote the Secretariat Commentary.

ABOUT THE WILLEM C. VIS INTERNATIONAL COMMERCIAL ARBITRATION MOOT

The goal of the Moot is to foster the study of international commercial law and arbitration for the resolution of international business disputes through its application to a concrete problem of a client. The business community's marked preference for resolving international commercial disputes by arbitration is the reason this method of dispute resolution was selected as the clinical tool to train students. There are two phases in the competition: (1) the writing of the memorandums for claimant and respondent; and (2) the hearing of oral argument based upon the memorandums -- both settled by arbitral experts in the issues considered. 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 Contracts for the International Sale of Goods (CISG) and other uniform international commercial law -- in the context of an arbitration of a dispute under specified Arbitration Rules.

Professor Bergsten has administered the Willem C. Vis International Commercial Arbitration Moot held annually in Vienna, Austria since 1993. This Moot has grown beyond any expectation and currently attracts more than 260 law schools from 66 countries, a truly unique international educational and professional venture of the highest possible caliber.

For further information or questions about the program contact Vikki Rogers, Director, Institute of International Commercial Law, Pace Law School. E-mail: vrogers@law.pace.edu