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AGENDA

3 MAY 2016 (13:00-19:00)

CEPANI Arbitration Academy - International Level: Class 3 Aspects of International Arbitration (II)

9 JUNE 2016 (12:00-18:30)

Joint colloquium CEPANI and NAI on: "Opening the Black Box of Conflicts of Interest"

21 JUNE 2016

General Assembly

NEWS

BRUSSELS PRE-MOOT WINNER UNIVERSITY OF SYDNEY: OUR EXPERIENCE AT THE 2016 BRUSSELS PRE-MOOT



By Penina SU, Brendan HORD, Andrew BELL, John TSAOUSIDIS and coach Dominique YONG (University of Sydney)

Our preparation for the 2016 Willem C. Vis International Commercial Arbitration Moot began back in September last year in Sydney, Australia. After six months of preparation on the other side of the world under the guidance of Professor Chester Brown and our coaches (Ramya Krishnan, Heydon Wardell-Burrus and Dominique Yong), we were thrilled to arrive in Europe and attend the 3rd Brussels Pre-Moot, which was held on the 14th and 15th of March 2016. Having reviewed the comprehensive welcome brochure prepared by the Organising Committee, we were looking forward to sparring against reputable universities and receiving feedback from eminent arbitrators. Mooting aside, none of us had ever been to Brussels before, and we were excited to experience the delights that the city has to offer.

We arrived at the Stibbe offices on Monday morning ready for our first preliminary round moot against the University of Osnabrück, Germany. As we were staying near the Grote Markt, it was lovely to see another part of Brussels - the views from Stibbe and welcoming breakfast reception were particularly impressive! After an intense pre-moot negotiation, we delivered our pleadings as Claimant in a challenging and enjoyable moot, and our Brussels campaign was underway.

We then travelled to the Strelia offices for our afternoon moot against the National University of Asunción, Paraguay. We were once again astounded by the hospitality of Strelia; our enthusiasm to plead was only matched by the size of the fruit platter on the table. We spoke as Respondent and received some demanding questions from the arbitrators. It was a great educational experience and we learnt a lot from the arbitrators and our opponents.

Later that evening, the results of the preliminary rounds and schedule for the first knock out rounds were announced at Strelia. Since each of the 16 teams in the competition progressed to the Octo-Finals, we knew that we would definitely be mooting the next day. We also knew that the ranking of the universities did not necessarily reflect the actual calibre of teams as there had been only two preliminary rounds. Nonetheless, we were very proud when it was announced we were the first ranked team after the preliminary rounds. It gave us a good confidence boost!

The next morning we met the University of Osnabrück once more for our Octo-Final round. The moot was very testing as both teams already knew the other's tactics and arguments. The moot was very close and hard-fought by both teams, but we were ultimately relieved to find out that we were progressing to the Quarter-Finals. The feedback from the arbitrators was, as ever, informative and constructive.

In the Quarter-Finals we found ourselves in a hometown derby against the University of New South Wales. The panel of arbitrators asked stimulating questions and opened our eyes to a civil law approach to the problem question, again demonstrating the value of participating in this Pre-Moot. Following yet another high-quality moot, we nervously awaited the result and were delighted to find out that we were progressing to the next round.

In the Semi-Finals, we spoke as Claimant against the University of Ghent. Our opponents were extremely capable and the questions that we received from the arbitrators were rather innovative. Indeed, one arbitrator asked about *ex aequo et bono*, a concept that we had not encountered before in the context of the moot, and which would later prove critical in Vienna in our Round of 64! We truly gained a lot from this moot, and once again were thankful to learn that we had prevailed and would progress to the Grand Final.



Our opponents in the Grand Final were Jagiellonian University from Krakow, Poland. We had the privilege of pleading before an eminent tribunal including Professor Johan Erauw,

Ms Françoise Lefevre (as Presiding Arbitrator) and Mr Jean-François Tossens. The moot was held in a grand room at Linklaters with many of the other teams from the competition staying to watch the Grand Final. We felt a combination of nervousness and excitement while waiting for the moot to begin. We knew that we were potentially half an hour of pleadings away from victory. Ultimately, our pleadings took closer to an hour as we had a thought-provoking and engaged interaction with the tribunal on a range of topical issues arising out of the problem question. After a brief period of deliberation by the tribunal, we were incredibly proud to be announced as the winners of the 2016 Brussels Pre-Moot.

Fortunately, our time in Brussels was not completely consumed by mooting. We were able to enjoy the highlights of the city - roaming around the area near the Grote Markt and eating our body weight in waffles, chocolate and mussels. Although all of us would have liked to spend more time in Brussels, we certainly hope to return in the future.

We are extremely grateful to CEPANI for the opportunity to test our mettle against first-rate teams and to receive useful feedback from excellent arbitrators. The hospitality shown by the Organising Committee from Strelia and the participating law firms Strelia, Stibbe and Linklaters was unparalleled. The questions that we received from tribunals, and indeed the whole experience in Brussels, formed an invaluable part of our preparation and placed us in a strong position heading to Vienna.

CATHOLIC UNIVERSITY OF LOUVAIN-LA-NEUVE (UCL): OUR EXPERIENCE AT THE WILLEM C. VIS INTERNATIONAL COMMERCIAL ARBITRATION MOOT IN VIENNA



By Aurélie GLINNE, Lawyer at the Brussels Bar (De Wagter Law firm)

Attending the 22nd Willem C. Vis International Commercial Arbitration Moot as a participant was the most valuable and rewarding experience I had during my studies. That's the main reason why I wanted to experience the Vis Moot again as a coach this year, and I lived it as an exciting personal challenge.

The 23rd Vis Moot

The 23rd edition of the Vis Moot was based on the VIAC Rules and concerned claim for litigation costs and damages, the disgorgement of profits issue and the discovery in arbitration. The particularities of this case justified a real deviation from the usual order to first discuss procedural issues. Indeed, the procedural and substantive problems were closely interwoven. Then it was left to the parties to decide in which order to address the issues, and almost each team did it differently. It obviously constituted a further difficulty for the students, because they had to adapt themselves to the opposing team at every pleading they did.

The coaching

Coaching a team is undeniably a great learning experience for a young business lawyer. It requires patience and good organization in every way, and it gives you the ability to improve your own legal knowledge in the matter.

The competition is divided in two parts: the writing part, which includes drafting two memoranda for both Claimant and Respondent, and the oral hearings in Vienna. Especially during the first writing part of the Moot, as a coach you have to guide the students to sort out the whole case, composed of approximately 60 pages. On the basis of this record, you must help them and lead them towards developing their legal reasoning; answer to all their questions; anticipate the ones which do not come up to their mind in order to prepare them as best as you can for the final oral hearings.

I was very proud of the team. They accomplished an absolutely amazing work and were really involved in the Moot from the beginning. It was even more difficult for them because at the time of the writing part, they were in the middle of their exam period. At the end, all of them have been very successful in both, and I congratulate them one more time for that.

It is also necessary to specify that the Vis Moot competition is completely extra-curricular at the Catholic University of Louvain-la-Neuve (UCL), and their participation doesn't amount to a class, a thesis or an internship, so they're definitely well deserving.



The team

Apart from this enriching legal experience, the most fundamental point for the students as well as for the coach consists in building a real team spirit which involves a lot of understanding, concessions and open-mindedness. Thanks to that friendly harmony, the whole team made the most of all Pre-moots and the Vis Moot in itself.

The Vis Moot brings countless networking opportunities as a result of which we met a lot of pleasant and interesting teams and arbitrators during the many wonderful receptions we attended in Paris, Düsseldorf, Brussels and Vienna. We especially enjoyed the sumptuous opening ceremony at the "Konzerthaus" on Friday. At that moment, everyone realised the extent of the Vis Moot, which gathers many thousands of people from all around the world.

Conclusion

In conclusion, I feel very lucky and grateful to have been the coach of the Catholic University of Louvain-la-Neuve (UCL). It is my pleasure to be reiterating the experience of coaching next year, and I definitely recommend it to any former Mootie who would like to relive the enthusiasm of the Vis Moot.

I would also like to take this opportunity to sincerely congratulate the winner of this year, the University of Buenos Aires, who also won the 57th Philip C. Jessup International Law Moot Court shortly after the Vis Moot.

CEPANI AND NAI ORGANISE A JOINT COLLOQUIUM ON "OPENING THE BLACK BOX OF CONFLICTS OF INTEREST" (9 JUNE 2016, BRUSSELS)



CEPANI and NAI have the pleasure of inviting you to their joint colloquium which will be held on 9 June 2016 (12:00-18:30) in Brussels, on the hot topic of 'Conflicts of Interest'.



The colloquium will be preceded by a light walking lunch during which all participants can begin the discussion in a more informal atmosphere. A book with the written contributions of the presentations held during the afternoon will be handed out on the day of the colloquium. The price of the colloquium includes one copy of the book.

The colloquium will be preceded by a light walking lunch during which all participants can begin the discussion in a more informal atmosphere. A book with the written contributions of the presentations held during the afternoon will be handed out on the day of the colloquium. The price of the colloquium includes one copy of the book.

Please find hereunder the unfolding of this exciting afternoon:

12.00 Lunch

14.00 Opening by the President of Cepani – **Dirk De Meulemeester** (Attorney Lexlitis)

14.10 Conflicts of Interest: Cepani's practice and Belgian case law; **Kristof Cox** (Senior Manager, Deloitte)

14.55 Conflicts of Interest: NAI's practice and Dutch case law; **Gerard Meijer** (Attorney, NautaDutilh Amsterdam, Prof. Erasmus University Rotterdam)

15.40 Coffee break

16.00 Conflicts of Interest: International practices and case law from other jurisdictions; **Filip De Ly** (Prof. Erasmus University Rotterdam)

16.45 Panel: moderator **Luc Demeyere** (Attorney, Contrast), Members of the panel: **Vera Van Houtte** (Attorney, Vice-President of the ICC Court of Arbitration), **Olivier Caprasse** (Attorney, Hanotiau & van den Berg, Prof. ULg, ULB), **Melanie van Leeuwen** (Attorney, Derains & Gharavi Paris), **Bart Groen** (former Attorney, Pels Rijcken & Droogleever Fortuijn 's-Gravenhage)

17.30 Closing by the President of NAI - **Willem van Baren** (Attorney, Allen & Overy Amsterdam)

18.00 Drinks

Members CEPANI/CEPANI40/NAI and NAI Jong Oranje: €150 (VAT excl.) one copy of the book included in the price.

Non-members: €175 (VAT excl.) one copy of the book included in the price.

[Please register online and join us!](#)

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REFERENCES

Case Law

Mediation - Judicial Mediation - Judge's initiative (art. 1734, § 1 Judicial Code)

- Court of Appeal Mons, 23 February 2016, *J.T.* 2016/ n°6641, p. 208
- Commercial Court Antwerp (div. Tongres), 4 January 2016, *J.T.* 2016/ n°6641, p. 209
- Commercial Court Hainaut (div. Mons, 2e ch.), 24 December 2015 *J.T.* 2016/ n°6641, p. 209
- Commercial Court Hainaut (div. Mons, réf.), 22 December 2015, *J.T.* 2016/ n°6641, p. 209

- County Court Wavre, 12 February 2015, *J.T.* 2016/ n°6641, p. 212

Articles

P. VAN LEYNSEELE, "Réflexions sur le rôle du juge dans l'envoi en médiation", *J.T.* 2016/ n°6641, p. 202

E. LANCKSWERDT, "Een bemiddelingsbelofte (mediation pledge) in de publieke sector", *T.B.P.* 2016, afl. 1, p. 34-36

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VARIA

ICC YAF: 13th Annual Young Arbitration Practitioner's Colloquium (8 May 2016, Mauritius)

The ICC Young Arbitrator's Forum is co-hosting, with Young Arbitration Practitioners (YAP) and Cepani40 among others the Young Arbitration Practitioner's 13th Annual Colloquium, to be held in Mauritius on the eve of the International Council for Commercial Arbitration Conference at the Le Labourdonnais Waterfront Hotel.

Program

11:30 Registration
12:00 Lunch
13:00 Welcoming address
13:15 Harmonization in Commercial Arbitration: A Step towards Uniformity?
14:45 Coffee Break
15:00 ISDS: Opportunities and Challenges for Africa and Beyond

Roundtable Panel Members

Ndanga Kamau (Registrar, LCIA-MIAC, Mauritius)
Swee Yen Koh (Partner, WongPartnership LLP, Singapore)
Dev Krishan (Government of Bahrain, Kingdom of Bahrain)
Jamsheed Peeroo (Barister, Chambers of A.R.M.A Peerso SC GOSK, Mauritius)
Sundra Rajoo (Director, Kuala Lumpur Regional Centre for Arbitration (KLRCA), Kuala Lumpur)
Guled Yusuf (Associate, Allen & Over LLP, London)

Moderated by

Mohammed Abdel Wahab (Founding Partner, Zulficar & Partners, Cairo)
Joachim Kuckenburg (Partner, Kuckenburg Bureth Boineau, Paris)

Registration

The registration is only 25 EUR. Please [register online](#) and join us!

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