

**Seminar title:** Case Study of International Commercial Arbitration

**Instructors:** Prof. Giorgio Fabio COLOMBO Prof. Dai YOKOMIZO

**Sub-Instructor:**

**Subject type:** Seminar

**Semester:** Fall

**Required Level (year):**

**Period:** Wednesday, 2<sup>nd</sup> period

**Credit:** 2

**Compulsory Subject:** No

**Lecture Room:**

**Course outline:** Legal Education is presently facing challenges related to the internationalization of the legal profession. New, truly international, learning experiences are flourishing, and in particular extremely useful and challenging international commercial arbitration moots. One of the most prestigious is the Vis (East) Moot. As the organizers of this competition state, *the Vis Moot was created as a clinical tool for training law students in crucial aspects of the procedure: research, drafting and advocacy. The goals of the Moot are the promotion and study of international commercial arbitration and the training of tomorrow's legal leaders in methods of alternate dispute resolution.*

This seminar focuses on both theoretical and practical issues related to the Moot. This year case will be studied in detail. Starting from that, students will have to prepare the case (doing research and collecting materials), develop a defensive strategy and learn the basic skills of oral advocacy in arbitration. As the Moot case is based on the Convention on the International Sale of Goods (CISG) the seminar will be an occasion for an in-depth study of this extremely useful international convention.

Ordinary students will work together with the Nagoya University Team for the Vis (East) Moot, in order to get a first-hand experience of how preparing for a Moot is.

**Aim:** The aim of the seminar is to provide students with effective preparation on how to take part in an international moot competition. First, a general overview of what an international moot competition is will be provided. Then, the seminar aims to provide students with the basic skills for preparing a dispute before an arbitration tribunal: analysis of the problem; research on the relevant legal issues; drafting a memorandum in arbitration (both from claimant and respondent sides), presenting the case orally. All those activities will be initially carried out under the supervision of the instructors in order to ensure that students are properly prepared. Then, as the seminar proceeds, a greater degree of autonomy and initiative will be expected. Students will be encouraged to develop their own critical views and defensive strategies on the Moot case. After the end of the seminar, students should have acquired a good knowledge of, *inter alia*, the Convention on the

International Sale of Goods, the general structure of administered arbitration and the basic tools for research and advocacy on a practical problem.

**Textbooks:** due to the peculiar nature of the seminar, there is no need of a general textbook for students. Some relevant readings will be distributed to students on a regular basis, via the online syllabus system.

**Reference Materials:** Other handouts and reading materials will be distributed to students via the online syllabus system.

**Evaluation Methods:** Participation in class (quality of the preparation, contribution to the discussion) 100%.

**Requirement for taking the seminar:** Good command of English language (reading, speaking, and writing) is required. A basic knowledge of private international law and civil procedure is recommended.

**Notes:** if students experience difficulties of any kind, they are suggested to contact Prof. Giorgio Fabio COLOMBO. E-mail: [colombo@law.nagoya-u.ac.jp](mailto:colombo@law.nagoya-u.ac.jp)