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## BUILDING ON THE BERGSTEN LEGACY: THE VIS MOOT AS A PLATFORM FOR LEGAL EDUCATION

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PLATFORM FOR LEGAL EDUCATION

*Ronald A. Brand\**

As his review of the history of the Vis Moot indicates, Professor Eric Bergsten and those who have joined him have created a remarkable educational tool that is the Willem C. Vis International Commercial Arbitration Moot.<sup>1</sup> As one reviews Professor Bergsten's remarks about the Moot, several things become obvious. First is his devotion to the educational process through the Vis Moot experience. Second is his clear understanding that the educational process is heightened when the accompanying personal and social experience is a pleasant one. Third is the humility with which he presents the history and purpose of a program that has touched so many lives in so many ways.

I want here to elaborate on why Professor Bergsten's "just the facts" approach to explaining the Vis Moot does not tell the full story. I will do this by explaining how one law school, the University of Pittsburgh School of Law ("Pitt Law"), through our Center for International Legal Education ("CILE"), has borrowed Professor Bergsten's wonderful educational platform in our work with the U.S. State Department and with the U.S. Commerce Department's Commercial Law Development Program, to reach out to law schools in transition countries to help improve legal education. Because of the value of the Vis Moot platform, I believe that process has done much more than improve legal education. It has enhanced the environment for the rule of law in many countries.

At Pitt Law and CILE, our adventure with the Vis Moot began with our first Vis team in the third year of the Moot, when we sent our first two-

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<sup>1</sup> See *The Annual Willem C. Vis International Commercial Arbitration Moot*, PACE LAW SCHOOL, <https://vismoot.pace.edu/> (last visited Nov. 24, 2015), for the historical record of the Vis Moot.

person team to Vienna for the Moot. It was not hard to see that this small competition provided big benefits to those who were involved. In our second year of competition, one of our team members was Mark Walter. Mark would later become CILE Assistant Director, in order to help us carry out the “on the ground” work for State Department-funded partnerships with Donetsk National and Kyiv Taras Shevchenko Universities in Ukraine, the University of Belgrade in Serbia, and the University of Pristina in Kosovo. Mark’s experience in the Moot had been a positive one, and he readily saw how that experience could be even more valuable to students in countries going through important legal system and legal education transitions. As a result, our work with all of those schools included developing Vis Moot teams. That process has thrived at all of those schools, and despite the fact that our State Department funding ran out years ago, each of them sends a team to the Vis Moot nearly every year (with Donetsk being an exception this past year given circumstances in eastern Ukraine).

At Donetsk National University, we established a student study center at the Law School, and trained their first team for the 2001 Moot. At the University of Belgrade, we helped train their first team for the 2002 Moot. Then, we did the same at the University of Pristina, and Kyiv National Taras Shevchenko University for the 2003 Moot. This began a process by which we would conduct summer schools at our partner universities, and then bring the best students from those experiences to Pitt Law for the LL.M. program, trying to include as many special opportunities for those students as possible. The Vis Moot proved to be the platform from which the best students at each of our partner law schools were identified. With the additional training of the LL.M. program, many of them have gone back to teach at and keep Vis teams alive at their law schools and to be leaders in academia, government, and the private sector.

In 2006, I traveled with representatives from the Commercial Law Development Program (CLDP) of the U.S. Department of Commerce to meet with law school representatives in Oman, Qatar, and Bahrain. At each stop, I explained how I thought the Vis Moot was a tool that could provide significant benefits to the law school curriculum and to the legal profession—by training the international commercial law and arbitration experts each of these countries was lacking from the inside. This led to further meetings later that same year in Qatar and Bahrain.

A partnership was arranged with CLDP, and in the fall of 2007, I traveled to the University of Bahrain with two of our prior year’s Vis Moot

team members, Kate Drabecki and Katerina Ossenova. We trained the first Vis Moot team from Bahrain for the 2008 competition. As we became involved in the Middle East, we also continued partnerships in Ukraine, Serbia, and Kosovo, adding Kyiv Mohyla National Academy School of Law to our group of Pitt Consortium Vis Moot teams.

We returned to the University of Bahrain in early 2008 to add oral argument training to the earlier substantive instruction for their Vis team, this time including a course in English for Lawyers, taught by Professors Teresa Brostoff and Kevin Deasy, in order to build the base of students able to compete for the Vis team. In the fall of 2008, and again in the spring of 2009, Pitt Law students Katerina Ossenova and Esther Mosimann repeated this process at Sultan Qaboos University in Oman. Professor Brostoff and Professor Ann Sinsheimer provided an English for Lawyers course to begin building the language competence necessary for participation.

During the 2009–10 academic year, Pitt Law students Rick Grub, Marc Coda, and Kerry Ann Stare traveled with me to the United Arab Emirates University in Al Ain, UAE, where we trained their first team. The following year, Pitt Law students Amelia Matthias, Richard Kyle, and Kristine Long, traveled to Doha to train the first team from Qatar University School of Law, and in the spring to the UAE to work with the four teams from the region. This gave us four new Vis teams from the Middle East, and in spring 2011 we held the first Vis Moot Middle East Pre-Moot prior to the competition in Vienna. While that pre-moot had been scheduled to be held in Bahrain, the events we know as the “Arab Spring” resulted in a rescheduling to the offices of Baker & McKenzie in Vienna. We also continued our previously-established Pitt Consortium friendly practice arguments in Vienna prior to the moot, allowing each team to calm their nerves once they had arrived and have a more comfortable argument before the competition began.

In the fall of 2011, Pitt Law students Sarah Miley, Kimberly Stains, and Kaitlin Young traveled to Amman, Jordan, to train students for new teams from Jordan and Iraq. The following spring, they provided oral argument training in Oman, and helped administer the Second Middle East Pre-Moot, with teams from Bahrain, Iraq, Jordan, Oman, Qatar, Tunisia, and the UAE. In 2012–13, Pitt Law students Amelia Brett, Eryn Correa, and Brian Fraile, traveled to Istanbul to train teams from Iraq, Qatar, and Turkey in the fall, and to Abu Dhabi in early 2013 to provide oral argument

training and help administer the Third Middle East Pre-Moot, with teams from Bahrain, Iraq, Jordan, Oman, Saudi Arabia, Tunisia, and the UAE.

The 2014 Fourth Middle East Pre-Moot was preceded by training in the fall of 2013 in Istanbul, and then in early spring 2014 in Doha, by Pitt Law students Janet Checkley and Krysta Smith. The Fourth Middle East Pre-Moot had grown to eight teams, including teams from Egypt and Kuwait, and—for the first time—Afghanistan.

The Fifth Middle East Vis Pre-Moot was held in March 2015 in Amman, Jordan, with teams from eleven countries, including three from Afghanistan and the first team ever from Iran. This meant that the process had grown to a solid core of Middle East law schools at which the Vis Moot, and resulting courses in international commercial law and arbitration are now well-established.

When we travel with the Pitt Vis team to Vienna each year, an important part of the experience is meeting the teams and coaches from all of the Pitt Consortium teams that join for friendly practice rounds prior to the Moot. In spring 2015, that group numbered nineteen schools (with the notable absence of our friends from Donetsk). Those teams were: Allame Tabatabai University, Tehran, Iran; Al Nahrain University, Iraq; American University in Kosovo; University of Bahrain; University of Belgrade; Birzeit University, Palestine; Dar Al Hekma University, Saudi Arabia; Faculte des sciences juridiques politiques et sociales, Tunis, Tunisia; University of Jordan; Kuwait International University; Kyiv-Mohyla Academy, Ukraine; Kyiv National Taras Shevchenko University, Ukraine; University of Pittsburgh; University of Pristina, Qatar University, Doha; Sarajevo University, Bosnia & Herzegovina; UAE University; University of Zagreb, Croatia; and University of Zenica, Bosnia & Herzegovina.

Of course, the core of the experience is the intensive, hands-on, educational development encountered by each student in the Moot. And it is always very special when Professor Harry Flechtner sings about international commercial law and arbitration in front of over 2,000 “Mooties” in the Vienna Konzerthaus. For me, however, the best time of all comes when CILE hosts all of the Pitt Consortium teams for dinner in a typically Viennese setting, where the only rule is that you cannot sit next to a member of your own team. The resulting exchange of cultures, education, and often traditional national songs goes far to demonstrate the Vis Moot impact.

We have seen some of the schools at which we have started Vis Moot teams eclipse even our own level of involvement, with the University of Belgrade now hosting more than 60 teams at their annual arbitration conference and pre-moot. What I have found, however, is that education in international commercial law and arbitration reflects only the surface impact of the Vis Moot experience.

It can be difficult to capture the full effect of the Vis Moot. I have heard criticism that we should be focusing on human rights law in our global legal education efforts, but those who say that are missing the point. The Vis Moot is more than education in international commercial law and international arbitration. As one of the students from Bosnia & Herzegovina said in an email to me after this year's moot:

The Vis Moot gave us a chance for the first time to look up from our books and to put our knowledge into use. Although we did not achieve our goal of reaching the first 64, we learned that this competition is much bigger than the success of one team. It is a living organism functioning in perfect harmony, with the single goal of empowering and equipping young minds for a successful life. We have met some amazing people and we are ready to keep working even harder for our future goals.

When we were training students in Amman, Jordan, in the fall of 2013, we met with former members of the University of Jordan Vis team, who were asked what participation in the moot meant to them. One young woman did not hesitate in her answer: "After what we learned from the Vis," she said, "we no longer fear the future." She may have been taught international commercial law and arbitration, but she learned human rights. The Vis Moot is indeed a very special platform for legal education, and something more.