PRE VIS MOOT | ADVOCACY BRIEFING

Legal reasoning beyond the authorities

Preparing for the 34th Willem C. Vis International Commercial Arbitration Moot

> A practical guide to constructing arguments under the CISG and the applicable arbitration framework.

FROM THE RULE → TO THE REASONING → TO THE RECORD

THE ANALYTICAL STARTING POINT

Start with the right legal question

Before citing authority, identify what the tribunal must actually decide.

Separate three questions

ISSUE | What precise proposition is disputed?

RULE | Which instrument governs that proposition?

APPLICATION | Which facts establish or defeat it?

SUBSTANTIVE LAW

Read the CISG on its own terms

Article 7(1) directs interpreters to consider the Convention’s international character, uniform application and good faith in international trade.

> Do not import a domestic contract-law concept without examining whether it fits the CISG’s text and structure.

A stronger submission

Identify the relevant CISG provision, explain its autonomous meaning, then connect that interpretation to the record.

PROCEDURAL LAW

Do not collapse the legal frameworks

The CISG and institutional arbitration rules answer different questions.

> CISG | Substantive rights and obligations within the Convention’s scope.

> ICDR RULES | The agreed arbitral procedure, subject to applicable mandatory law.

Always ask whether the issue concerns the merits, arbitral procedure, or another applicable legal regime.

WORKING WITH AUTHORITY

Use authorities as reasoning, not decoration

A decision from another jurisdiction is useful only if its reasoning supports the proposition you advance.

Test each authority

What legal question did the court or tribunal decide?

Which facts and legal framework shaped the result?

Why should its reasoning persuade this tribunal?

THE OPPOSING CASE

Confront the strongest counterargument

An effective memorandum does not merely collect favourable sources.

> State the other side’s best interpretation fairly. Then explain precisely where its reasoning, factual premise or legal framework fails.

The objective

Give the tribunal a principled reason to prefer your interpretation, not simply a longer list of citations.

ORAL ADVOCACY

Answer the question the tribunal asks

In oral rounds, the ability to respond to an intervention can matter more than delivering a memorised submission.

ANSWER | Give the direct answer first.

GROUND | Identify the rule or authority.

APPLY | Show how the record supports your position.

TAKEAWAY

What makes an argument persuasive?

Not the number of authorities cited, but the clarity of the reasoning connecting the applicable law to the facts.

> Legal text + relevant authority + disciplined application = a submission the tribunal can test.

For the Vis Moot community

What has most improved your advocacy: research, drafting, or answering difficult questions?

Source: CISG, Art. 7(1); 34th Vis Moot materials.