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ARBITRATION

## **AIA-CAM Pre-Moot: Training the Next Generation of Arbitration Practitioners**

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On February 11<sup>th</sup> and 12<sup>th</sup>, 2021, the Milan Chamber of Arbitration in partnership with AIA, the Italian Association for Arbitration, hosted the 6<sup>th</sup> edition of the AIA-CAM Pre-Moot. Law students from every corner of the world, from Russia to India, Guatemala to Turkey, confronted each other with oral advocacy techniques, with the ambition of winning the podium of the AIA-CAM Pre-Moot.

The Milan Chamber of Arbitration (CAM) and the Italian Association for Arbitration (AIA) are engaged in an institutional mission of outspreading the culture of arbitration. They strongly support new generations to expand their legal knowledge with a common educational background, that can contribute to harmonising the practice of international arbitration.

The happening of the event wouldn't have been possible without the support of law firms and academic institutions which have sponsored the competition, firmly believing in the educational purpose of the AIA-CAM Pre-moot.

Nineteen teams of exceptional students demonstrated outstanding levels of aptitude and competence in mooted techniques, arbitration procedures and international commercial sales of goods law issues. In the wake of five rounds of intensive pleadings, the University of Verona and the University of St. Gallen both secured a place in the final round before a special Arbitral Tribunal: Paolo Marzolini, as President, Partner at Patocchi & Marzolini of Geneva; Maria Beatrice Deli, Secretary General of AIA, and Stefano Azzali, General Director of the Milan Chamber of Arbitration. Following an exciting and challenging hearing, in which all team members made an all-out effort, St. Gallen University was declared the winner.

The AIA-CAM Pre-moot has been a key training session for all participating teams to warm up in light of the most coveted arbitration competition at university level: the *Willem C. Vis International Commercial Arbitration Moot*, scheduled for March 27<sup>th</sup>, 2021.

The rules of the competition are straightforward. The Vis Moot constructs a legal case involving a controversy arising out of an international sale of goods subject to the United Nations Convention on Contracts for the International Sale of Goods (CISG). The case is

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disputed before an arbitral tribunal and this year, it was debated under Swiss Arbitration Rules. The teams were required to write a legal memorandum for the position of claimant by December 10<sup>th</sup>, 2020 and for respondent by January 28<sup>th</sup>, 2021<sup>2</sup>. After this stage, mooters start training for the oral hearings and the AIA-CAM Pre-moot was all about ensuring teams to be at the top of their game by March 27<sup>th</sup>.

Of all things the competition requires, hard work tops them all. The experience that competitors gain is not limited to oral advocacy. From conducting extensive and detailed oriented legal research, to applying knowledge, challenging analytical and methodological skills, the *moot* is about maximising the educational gain. It empowers the team members to finally put into practice all the theoretical legal knowledge absorbed at law school and develop skills which are necessary in today's working world: autonomy, initiative, creativity and group spirit – just to mention a few.

On top of the professional preparation, which moot courts equip students with, according to **Alberto Pomari**, AIA-CAM Pre-moot finalist from the University of Verona, “having an opportunity to test the theoretical knowledge learned, hone one's own skills and translate them into action, is truly rewarding”. The satisfaction of achieving what a few months earlier was simply an ambition, is unmatched in terms of personal gratification.

Doing this while enriching the array of expertise that the same students are expected to master when at a doorstep away from the professional world, incentivize mooters to give their best. For example, “writing a well-structured legal memorandum is something you are not taught at university, but which you can learn from the moot”, continues **Alberto**.

Whilst talking with the finalists, a common denominator of all their interviews was the way in which they perceived the competition: as an opportunity to transform theory into practice. **Hoda Ghassabian Gilan**, Pre-Moot finalist from the University of Verona, confirmed how “going first-hand on a real legal case is the beauty and importance of this competition”.

**Hoda** talked about the moot as an event that bridges the lack of practice available at university, by guiding students one step closer in understanding what their future might look like. **Ionela-Alina Martalogu**, also a finalist from the University of Verona, agrees with her colleagues. As she aspires to work in international arbitration, having the opportunity to get in touch with professionals who work in the field is something she greatly valued about the Pre-moot.

Another asset of the competition is undoubtedly its internationality.

The participation of students from twelve different nationalities at the Pre-moot, proved it. Indeed, what motivated **Elena Dittli**, AIA-CAM Pre-moot winner from St. Gallen University, to join the competition was precisely the opportunity to meet people from all over the world. “Before participating, I wasn't really aware of this huge network and how the different participating legal cultures make you feel part of a family, the moot family”, she says.

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<sup>2</sup> [Annual Willem C. Vis International Commercial Arbitration Moot. The Rules](#). Vienna, Austria 2020/2021.

Having a wide range of diverse teams competing in the Pre-moot is essential, as it guarantees a greater range of talents, adding insight and perspective not only on legal issues, but also on how world-issues are perceived from different cultures.

The Pre-moot encompasses a perfect combination of factors: a wide range of personalities, different legal systems and approaches to the law. One way in which the plurality of legal cultures becomes tangible is precisely during oral pleadings, where students have to combine both civil and common law legal traditions, regardless of where they trained. Whilst civil law trained mooters are more inclined to focus on applicable codes and the use of doctrine, common law trainees tend to use case law and an array of precedents as their main weapon.

However, the beauty of the competition, is precisely how mooters have to master the best of both worlds – as **Hoda** points out. The two legal traditions have to be prized, as features from both will help mooters support their legal arguments.

The diverse environment of the competition also adds up to the social component and feeling of belonging to something bigger than themselves: being part of the moot.

Despite the idea of winning being an appealing one for all teams, the moot is much more than a competition, as it is perceived by students as a process of personal growth. Developing a relationship with other team members where the “I” is to be replaced with “Us” is crucial if one wants to transform goals into concrete outcomes.

**Elena and Flurin Oehen**, winners of the AIA-CAM Pre-moot from the University of St. Gallen, spoke about how preparing for the competition requires a full commitment to teamwork. During their training sessions, they learned how a single perspective wouldn’t have allowed them to appreciate the multidimensionality of the issues at hand, which is instead exactly what teamwork allowed them to do.

**Ionela-Alina** agreed with her St. Gallen colleagues as she shared with me how a serious approach and strong work ethic is required of all members of the team.

Having a cohesive team is also key as it helps build confidence, as at some point in the competition the personal vulnerabilities of mooters will necessarily come afloat and will need to be addressed.

Although knowledge of the law is indispensable, it does not win cases alone. It must be complemented with a strong structure of arguments, a persuasive style, an important dose of confidence and strong motivation. At each round, as students learn who the arbitrator is and their style of arbitrating, there is a feeling of excitement and thrill mixed with significant tension. For most mooters, the oral pleading is the most challenging aspect of the competition. “When you are drafting a legal memorandum, time is on your side, as you can go back on your thoughts, but in oral pleadings you can’t” – recounts **Alberto**.

At this stage, **Hoda** recommends that participants distance themselves emotionally from the actual competition and try to learn from it as much as possible. She states: “if it’s just feelings and emotions you could get lost”.

Another great tip on how to navigate through the oral pleading was given by **Flurin** who explained how “arbitrators don’t have to be seen as opponents, but as experts with whom to talk to and explain your views on the case”. An exchange of ideas with arbitrators is a useful way to improve and grow confidence, as one of the arbitrators’ main role is to support mooters.

**Elena**, recounts how during the final round of Pre-moot, “the Arbitral Tribunal really tested the substance of her legal arguments” – and this really helped her bring out her confidence.

During the oral pleadings time management can be stressful. Despite participants prepare to speak for fourteen minutes straight, that is never reality, as mooters can be interrupted by the tribunal and asked questions or clarifications. Their skill lies in their ability to respond concisely and continue to fight for their arguments, especially when challenged.

Undoubtedly, another significant challenge is learning how to communicate using an attitude different from one’s own self. Especially in times of Covid, the fact that students were asked to break physical barriers, coordinate and practice in a team *remotely*, further spiced up the competition by increasing the expectation of organisational skills demanded of participants.

It is impressive how the two teams managed to prepare for their oral pleadings so effectively without ever meeting in person. Not only were they able to perfectly ride the wave of remote hearings, but they were also able to take the most out of the AIA-CAM event.

According to **Ionela-Alina**, one of the advantages of having a remote Pre-moot has been how easy it has become to ask for feedback. “When hearings ended, I asked arbitrators if available for a zoom call to have a detailed assessment on my performance, and all were very responsive and approachable”.

Today, as remote hearings have become the new norm in real arbitration cases, having an online Pre-moot gave students a taste of what they are likely to experience throughout their own careers.

The teams agree on how AIA-CAM online Pre-moot was a success. The event has been a great experience for all the participating community, who felt connected by their strong passion for arbitration. Competitions as these prove how important it is to value the young professionals of tomorrow.