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One shining argument

Loyola team of four wins 99-school, 28-country moot arbitration competition in Hong Kong

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About 14 hours before Connecticut, Florida, Wisconsin and Kentucky were set to square off last week, a different Final Four started.

Unlike college basketball's crown jewel, this contest featured a team from Chicago.

The champs, in fact.

The moot court team from Loyola University Chicago School of Law won the oral argument team championship at the annual Willem C. Vis International Commercial Arbitration Moot held in Hong Kong.

The competition pits teams from 28 countries in a weeklong battle comprised of four general rounds and five rounds of elimination.

And while the Connecticut Huskies were the best of 68 teams, Loyola was the best of 99.

"To be involved in this international competition and represent Loyola internationally was a huge honor," said participant Jennifer Fair, a 3L.

"This competition stands out from other moot court competitions because it really is internationally based, so you get all of these different perspectives and meet all of these different law students, attorneys and arbitrators — all while experiencing a different culture."

Fair was one of four students who represented Loyola in Hong Kong. Another four are beginning a similar competition today in Vienna.

Those eight students plus

another eight comprise the roster of professor Margaret L. Moses' course, International Commercial Arbitration and the CISG (United Nations Convention on the International Sale of Goods), where students compete for the right to represent the school.

The triumph of those four students came in Hong Kong. But it was earned during the 7½-week training in which they learned two key lessons they will take into their careers: Know your audience, and learn how to improvise.

Know your audience

From Jan. 27 to March 19, the team practiced three times a week under the tutelage of John H. Calhoun, a former vice president and associate general counsel at Quaker Oats Co., and Joshua N. Heffernan, a Loyola alumnus who participated in Vis East in 2008.

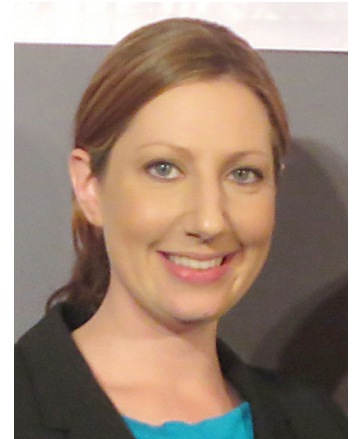
Practice meant team members — Fair, third-year Erin Wenger and Jan Greszta and Kelsey Leingang, both part-time students in the third of a four-year program — dissecting the moot court question and performing arguments in front of a rotating panel of judges.

Twice a week, the judges were Loyola professors or alumni. Once a week, they went to Chicago law firms with Vis Moot alumni who rounded up colleagues to serve as judges.

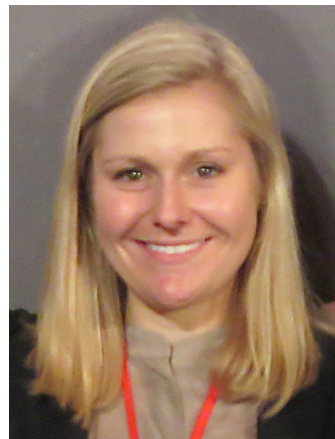
Since the judges varied in moot experience and subject matter knowledge, the students' knowledge of the judges was crucial.



Jan Greszta



Erin Wenger



Jennifer Fair



Kelsey Leingang

"Arbitrators will have differing levels of familiarity with the problem," said Heffernan, a case manager at ADR Systems of America. "When you're at the competition, some of the people that hear you argue ... might be busy practitioners who have only reviewed the problem briefly.

"That would affect the amount of context (students) need to provide while doing their oral argument."

The students already see the ways in which that approach will help in their future practices.

"Knowing your client and knowing why your client wants to win or whatever remedy they're seeking is what makes a good litigator and a good advocate," Greszta said.

(Don't) stick to the script. The team also benefited from its intense work ethic. Though the Vis designated a local bar for

all moot participants and encouraged them to meet and mingle there, Loyola's team didn't go until after the competition.

Instead, they spent their time researching the moot problem — digging up facts, preparing arguments and counter-arguments and, above all, practicing.

That preparation meant they internalized their arguments and could then improvise based on the judges — their personalities and their questions.

Fair learned this skill during a practice at Vedder, Price P.C. She was the group's first speaker, and while she argued, she noticed the arbitrators were not making eye contact with her nor were they engaging her with questions.

"I just did a dry run through, which is not very fun for a 15-minute presentation," Fair said.

When she finished, Heffernan was blunt.

“When they’re not looking at you and they’re not paying attention to you, you’re doing something wrong,” he told her. “And you have to do something different.”

Fair credits that advice with improving her future arguments.

“The panel was giving me looks like, ‘Wow, that’s harsh,’ but Josh was spot on,” she said. “It really helped me engage with the people who I was speaking with.”

The law firm practices were crucial to the team’s development. Leingang learned to improvise primarily at Dentons, where one arbitrator peppered the team with penetrating questions and would not allow evasion until the questions were answered.

“Some of the judges (in Hong Kong) commented on our students’ ability to answer questions but still go back to our argument,” Leingang said. “We were able to address questions in a way that some other students who were very scripted were not able to do.”

It was a lesson the whole team learned. After the quarterfinals against Ludwig Maximilian University of Munich, Greszta — who was concerned the team might lose — asked the panel’s head arbitrator to tell him the key to Loyola’s victory.

“He said that they had a much better script than us,” Greszta said. “They had a much better road map than us and had a great logical argument. However, what set us apart was the ability



Jennifer Fair (third from left) and Kelsey Leingang wait to face a team from Dalian Maritime University of China during the Moot Shanghai competition the week before the team went to Hong Kong for the Willem C. Vis International Commercial Arbitration Moot.

to answer the questions that the arbitrator had ... and be able to have a conversation with the arbitrators instead of having a script that the other schools may have had.”

The team did have scripts for its openings and closings. But the middle was open.

“Arbitration is more a conversation with the panel, and you

really want to be engaged with them and build a relationship with them,” Greszta said.

Engaging wasn’t a problem in the finals, as Loyola defeated the University of Amsterdam to win the school’s first Vis championship in 11 tries. China-EU School of Law and the University of Bucharest rounded out the final four.

As for Greszta, he had one other key bit of improvisational training prior to Hong Kong.

“For me, I think my biggest advantage is that I have done improv at Second City,” he said. “So I just love that experience and getting into the actual moment and argument. I felt very comfortable once everything started.”