



### COURSE UNIT (MODULE) DESCRIPTION

Course unit (module) title	Code
<b>INTERNATIONAL DISPUTE RESOLUTION: COURT (ARBITRATION) PROCEEDING MOOT</b>	

Lecturer(s)	Department(s)
<b>Coordinator:</b> Prof. Dr Rimantas Simaitis <b>Other:</b> Senior Lect. Dr Milda Markevičiūtė	Private Law Department, Faculty of Law, Vilnius University Saulėtekio av. 9, Building 1, LT-10222, Vilnius, Room 311, tel. (85)2366170; e-mail: ptkatedra@tf.vu.lt

Study cycle	Type of the course unit (module)
Second	Optional

Mode of delivery	Course unit delivery period	Language(s) of instruction
Face-to-face	8 (spring) or 9 (autumn) semester	English

Requirements for students	
<b>Pre-requisites:</b> Civil Law. General part, Civil Law. Property Law, Civil Law. Law on Obligations, parts I and II, Civil Procedure Law, parts I and II, Arbitration. English language.	<b>Co-requisites (if any):</b> none

Number of credits allocated	Total student's workload	Contact hours	Self-study hours
5	133	32	101

Purpose of the course unit (module): programme competences to be developed		
To provide knowledge about and develop skills of the analysis of the factual and legal situation of international private dispute, gathering evidence, forming a legal position in the civil or commercial arbitration process of international dispute, preparation of procedural documents, effective oral presentation of the party's position, argumentation and counter argumentation, direct and cross examinations, closing arguments and post hearing briefs in a civil proceeding or commercial arbitration.		
Learning outcomes of the course unit (module)	Teaching and learning methods	Assessment methods
Student: - will demonstrate knowledge of the resolution of international private disputes.	Interactive teaching methodology: independent analysis of literature studies, seminars, drafting procedural documents, oral presentations, conduct of direct and cross examinations surveys are conducted, presentation of closing arguments and post-hearing briefs, drafting of final award.	Drafting and presentation of procedural documents, oral pleadings, preparation and conduct of direct and cross examination, presentation of closing arguments and drafting of post hearing briefs and final award.
- will be able to analyse the situation of the dispute, organize the collection of evidence, preparation of the legal position.	Interactive teaching methodology: independent analysis of literature studies, seminars, drafting procedural documents, oral presentations, conduct of direct and cross examinations surveys are conducted, presentation of closing arguments and post-hearing briefs, drafting of final award.	Drafting and presentation of procedural documents, oral pleadings, preparation and conduct of direct and cross examination, presentation of closing arguments and drafting of post hearing briefs and final award.
- will be able to draft procedural documents and present them orally, conduct direct and cross examinations.	Interactive teaching methodology: independent analysis of literature studies, seminars, drafting procedural documents, oral presentations, conduct of direct and cross examinations surveys are	Drafting and presentation of procedural documents, oral pleadings, preparation and conduct of direct and cross examination, presentation of

	conducted, presentation of closing arguments and post-hearing briefs, drafting of final award.	closing arguments and drafting of post hearing briefs and final award.
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Content: breakdown of the topics	Contact hours							Self-study: hours and assignments	
	Lectures	Consultations	Seminars	Practical sessions	Laboratory activities	Internship/work placement	Contact hours	Self-study hours	Assignments
1. Analysis of factual and legal situation of international private dispute			3				3	10	analysis of literature and practical material, case analysis, drafting of procedural documents, preparation for oral presentations, direct and cross examinations, and closing arguments, drafting of post hearing briefs, drafting of an award.
2. Gathering evidence			3				3	10	analysis of literature and practical material, case analysis, drafting of procedural documents, preparation for oral presentations, direct and cross examinations, and closing arguments, drafting of post hearing briefs, drafting of an award.
3. Analysis and application of legal sources			3				3	10	analysis of literature and practical material, case analysis, drafting of procedural documents, preparation for oral presentations, direct and cross examinations, and closing arguments, drafting of post hearing briefs, drafting of an award.
4. Formulating legal position in civil or commercial international arbitration			3				3	10	analysis of literature and practical material, case analysis, drafting of procedural documents, preparation for oral presentations, direct and cross examinations, and closing arguments, drafting of post hearing briefs, drafting of an award.
5. Drafting of procedural documents			4				4	11	analysis of literature and practical material, case analysis, drafting of procedural documents, preparation for oral presentations, direct and cross examinations, and closing arguments, drafting of post hearing briefs, drafting of an award.
6. Effective oral presentation of parties' arguments (opening speeches and pleadings)			3				3	10	analysis of literature and practical material, case analysis, drafting of procedural documents, preparation for oral presentations, direct and cross examinations, and closing arguments, drafting of post hearing briefs, drafting of an award.
7. Argumentation and counter argumentation			3				3	10	analysis of literature and practical material, case analysis, drafting of procedural documents, preparation for oral presentations, direct and cross examinations, and closing arguments, drafting of post hearing briefs, drafting of an award.

8. Direct and cross examinations			3				<b>3</b>	<b>10</b>	analysis of literature and practical material, case analysis, drafting of procedural documents, preparation for oral presentations, direct and cross examinations, and closing arguments, drafting of post hearing briefs, drafting of an award.
9. Closing arguments and post hearing briefs			3				<b>3</b>	<b>10</b>	analysis of literature and practical material, case analysis, drafting of procedural documents, preparation for oral presentations, direct and cross examinations, and closing arguments, drafting of post hearing briefs, drafting of an award.
10. Procedural orders and awards of the tribunal			4				<b>4</b>	<b>10</b>	analysis of literature and practical material, case analysis, drafting of procedural documents, preparation for oral presentations, direct and cross examinations, and closing arguments, drafting of post hearing briefs, drafting of an award.
<b>Total</b>			<b>32</b>				<b>32</b>	<b>101</b>	

Assessment strategy	Weight, percentage	Assessment period	Assessment criteria
Work during seminars	70	During the length of the semester	<p>The quality of the preparation and presentation of legal opinions, procedural documents, consultations, oral presentations, examinations and closing speeches (post hearing briefs), as well as the compliance with the requirements of scope, form, content, and presentation are to be assessed. The final grading of the semester is to be performed in the 10-point scale.</p> <p>The following aspects of the procedural document are evaluated:</p> <ol style="list-style-type: none"> <li>1) Compliance with form requirements (adequacy of scope, balance of structural parts, clarity, appropriateness of language and writing style, presentation of the data used);</li> <li>2) Sufficient, targeted, systematic and appropriate selection, citation, summarization, comparison and interpretation of the sources used (if necessary);</li> <li>3) Consistency, clarity of argumentation, logic and appropriateness, clarity of conclusions and their grounding.</li> </ol> <p>The following aspects of participation in the staging are evaluated:</p> <ol style="list-style-type: none"> <li>1) Legal and factual argumentation of the presentation of the situation (the structure is clear, consistent, all disputed facts are argued using legal norms, examples of case law);</li> <li>2) Ability to answer the questions and react to the positions of other participants in the process in a motivated and reasoned manner;</li> <li>3) Language (thoughts are presented clearly and logically, the text is concise, written in correct language, appropriate legal terms are used).</li> </ol> <p>The following aspects of presentations of individual topics during seminars are evaluated (topics are assigned or chosen):</p> <ol style="list-style-type: none"> <li>1) well-rounded presentation of the topic;</li> <li>2) accuracy;</li> <li>3) ability to give a motivated answer to the questions raised.</li> </ol> <p>Participation in seminars is mandatory (at least 80 percent of seminars). If more than 20% of seminars are missed, the part of seminars missed exceeding the permitted limit is to be settled during time arranged with the lecturer. The form of settling the missed seminars depends on the on the topic covered during the missed seminars.</p>

Drafting and presentation of a party's procedural document, arbitral award or closing arguments (post hearing brief)	30	At the end of the semester	The quality of the drafting and presentation of the party's procedural document, arbitration award or closing speech (post hearing brief) as well as the compliance with the requirements of scope, form, content and presentation are to be assessed (performed individually). The final grading of the semester is to be performed in the 10-point scale. The criteria for the evaluation are the same as the ones listed above.
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Author	Year of publication	Title	Issue of a periodical or volume of a publication	Publishing place and house or web link
<b>Compulsory reading</b>				
Civil Procedure Code of the RoL (including amendments) (Lietuvos Respublikos civilinio proceso kodeksas (su pakeitimais)), Valstybės žinios, 2002, Nr.36-1340; 2002, Nr.420.				
Law on the Commercial Arbitration of the RoL (including amendments) (Lietuvos Respublikos komercinio arbitražo įstatymas (su pakeitimais)), Valstybės žinios, 2012, Nr. XI-2089.				
Vilnius Court of Commercial Arbitration Rules of Arbitration (Vilniaus komercinio arbitražo teismo Arbitražo procedūros reglamentas), accessible here: <a href="https://www.arbitrazas.lt/arbitrazo-reglamentas.htm">https://www.arbitrazas.lt/arbitrazo-reglamentas.htm</a> ; <a href="https://www.arbitrazas.lt/?lid=6">https://www.arbitrazas.lt/?lid=6</a>				
ICC Rules of Arbitration, accessible here: <a href="https://iccwbo.org/dispute-resolution-services/arbitration/rules-of-arbitration/">https://iccwbo.org/dispute-resolution-services/arbitration/rules-of-arbitration/</a>				
LAUŽIKAS, E.; MIKELĖNAS, V.; NEKROŠIUS, V.	2005	Civilinio proceso teisė	Parts I and II	Vilnius: Justitia
DOMINAS, G.; MIKELĖNAS V.	1995	Tarptautinis komercinis arbitražas		Vilnius: Justitia
<b>Recommended reading</b>				
BORN, Gary B.	2014	International commercial arbitration	I, II, III	Kluwer Law International
REDFERN, A.; HUNTER, M.	2004	Law and Practice of International Commercial Arbitration. 4 <sup>th</sup> ed.		London: Sweet & Maxwell
Additional literature (monographs, articles, normative material and case law) is to be indicated during the seminars, as well as when consulting during the preparation for the assignments.				