

# **M C B**

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THE MOOT COURT BENCH

PROGRAMS PROSPECTUS - 2022

“If everyone is **working together**,  
then success takes care of itself“

- Henry Ford

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The Moot Court Bench is Sri Lanka's first fully integrated legal advocacy training platform. The main aim of the MCB is enhancing the standard of the legal profession, by delivering education of global standards for Sri Lankan law students focusing on International Commercial Arbitration, International Trade Law, International Commercial Mediation and Negotiation. The MCB aims to provide a platform for law students to develop the necessary skills in written and oral advocacy, while learning the subjects of International Commercial Arbitration, International Commercial Mediation and Negotiation, and International Trade Law in depth. This platform is targeted at providing a high standard of legal education for law students and is completely administered by passionate volunteers and alumni with no profit motive.

Taking into consideration the current development trajectory of Sri Lanka, the building of infrastructure such as the Port City and Sri Lanka's geographical positioning in the 21<sup>st</sup> Century Maritime Silk Road, Sri Lanka has a strong potential of becoming one of Asia's leading economies by 2040. The expected inflow of business and investment will create a need for Alternate Dispute Resolution (ADR), as court litigation will not be accessible to all nor as effective and practical. The MCB stands to benefit the Sri Lankan Economy through catering to the vacuum which is being created for practitioners of ADR. The prevalence of ADR practice has greatly benefited countries such as Singapore and the knowledge and skills inculcated by the MCB would kickstart the promotion of ADR in the future of Sri Lanka, as it is not as prevalent in the present.

The United States Department of Commerce Commercial Law Development Program (CLDP) along with the Sri Lanka Vis Alumni Network are key partners in several of the MCB's programs.

To be **the foremost provider** of legal advocacy training to law students in Sri Lanka in multiple fields of legal study.

# THE INTERNATIONAL COMMERCIAL ARBITRATION (ICA) PROGRAM

## WHAT IS ARBITRATION?

Arbitration is a highly practiced form of Alternate Dispute Resolution (ADR) globally. It facilitates a speedy, efficient, and binding method of resolving disputes away from the backlog and bureaucracy of courtrooms. The Parties to the Arbitration are represented by their respective counsels in front of an Arbitral Tribunal which has either been appointed by the parties or by the Arbitral Institution. Despite lacking the authority of courtrooms, the Arbitral Tribunal will render an Award, which is considered as the decision of the Arbitral Tribunal, after the conclusion of the arbitral proceedings and such Awards will be binding on the Parties concerned.

## IS IT FOR YOU?

Learning arbitration will present you with many new avenues in your career as arbitration has been accepted widely inside Sri Lanka, and to an even greater extent outside.

## THE ICA PROGRAM

The International Commercial Arbitration Program saw its inception in the year 2020. The Moot Court Bench was aware that arbitration was moving forward in leaps and bounds around the world. Simultaneously, we were also aware of the lack of resources available to students who were keen on learning this trade. Thus, the ICA Program is aimed at advancing the state of Arbitration in Sri Lanka by catering to the lacuna of resources available to students. That is, to provide law students around the world, primarily in Sri Lanka, an opportunity to learn arbitration and hone other advocacy skills.

While the ICA Program is organised solely by The Moot Court Bench, The United States Department of Commerce, Commercial Law Development Program (CLDP) is a key partner of the ICA Program.

## **HOW DOES IT WORK?**

The ICA Program would extend from the beginning of June 2022 to the end of August 2022. During this three-month period, the participants are taught the basics of International Commercial Arbitration, the United Nations Convention on the International Sale of Goods (CISG), written advocacy in the form of legal memoranda and oral advocacy in the form of legal submissions. The Course is taught by MCB Alumni who are Law Students with sound knowledge in the respective areas.

The ICA Program classes would take place during weekends for the duration of the three months. In addition to learning the theoretical aspect of arbitration, the participants will be taught and given an opportunity to test their practical knowledge through the deep dive into the 29th Vis Moot Problem and the mooting sessions.

## **NATIONAL SELECTION ROUNDS**

After the course of three-months, the Top four contenders from each University will be selected to represent their University in the National Round of the ICA Program. Thereafter, the Top two Teams will be selected to participate as the teams from Sri Lanka in the Prestigious Willem C. Vis International Commercial Arbitration Moot which is held annually in Vienna, Austria or its sister moot, the Willem C. Vis East International Commercial Arbitration Moot which is held annually in Hong Kong.

## **THE WILLEM C. VIS INTERNATIONAL COMMERCIAL ARBITRATION MOOT**

Known globally as the Vis Moot, this phenomenon is ranked amongst the Top 10 Moots in the world. A moot is a mock legal proceeding, where law students take on the role of a fully-fledged legal counsel and renowned legal practitioners or justices take on the role of the adjudicator. The Vis Moot endorses and promotes the usage of Arbitral Rules of various international institutions such as the London Court of International Arbitration (LCIA) and the Hong Kong Institute of International Arbitration (HKIAC). It also promotes the United Nations Model Law on International Commercial Arbitration, the UNIDROIT Principles on

International Commercial Contracts, and the United Nations Convention on Contracts for the International Sale of Goods, better known as the CISG.

The Vis Moot is held annually in Vienna, Austria, whereas its sister moot, the Vis East Moot is held annually in Hong Kong. The Moots record a participation of close to 400 teams and 150 teams respectively. Both moots revolve around the same Moot Problem, a fictitious international commercial case study. Participants are benefited with extensive knowledge in a field which they would not otherwise explore as law students, superior legal advocacy skills and the opportunity to network with law students and practitioners around the globe.





## OUR PERFORMANCE

Award	No. of Awards
<b>Willem C. Vis Moot, Vienna</b>	
Pieter Sanders Award for Best Memorandum for Claimant - Honorable Mention	1
<b>Willem C. Vis East Moot, Hong Kong</b>	
Quarter Finalists	1
Sixteenth Finalists	1
Neil Kaplan Award for Best Oralist - Honourable Mention	3
Fali Nariman Award for Best Memorandum for Respondent - Honourable Mention	1
<b>Middle Eastern Pre-Moot</b>	
Ronald A. Brand Award for Regional Champions	2
Runners Up	1
Semi Finalists	2
Quarterfinalists	3
MENA Chambers Award for Excellence in Oral Advocacy	2
Best Claimant Oralist	2
Best Respondent Oralist	3
Best Claimant Oralist - Honourable Mention	3
Best Respondent Oralist - Honourable Mention	3
Best Claimant Memorandum	2
Best Respondent Memorandum	3
Best Respondent Memorandum - Runners Up	1
Mr. Congeniality Award	1
<b>Tbilisi Vis Pre-Moot</b>	
Champions	1
<b>Shanghai Vis Pre-Moot</b>	
Quarter Finalists	1
Octo Finalists	1
Best Oralist - Honourable Mention	1
<b>AIAC Virtual Pre-Moot</b>	
Runners Up	1
Best Elimination Round Oralist	1

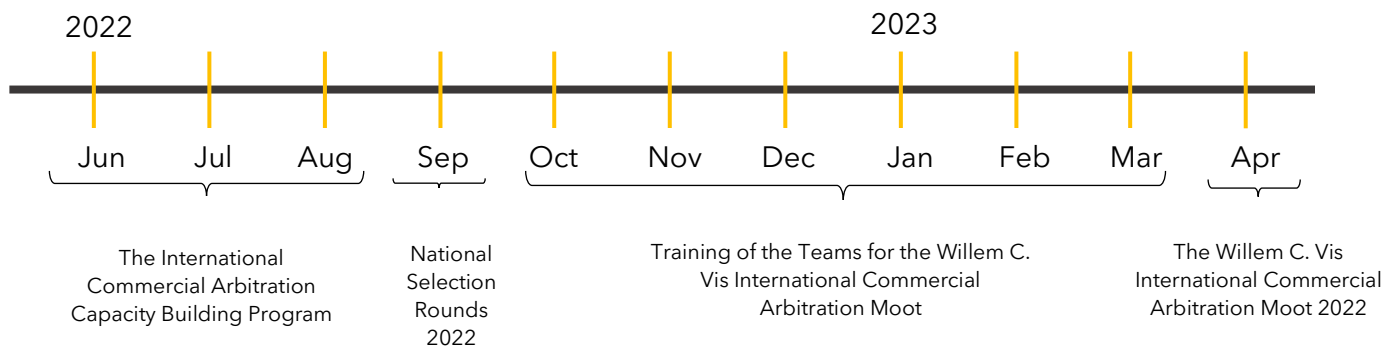
## HOW TO APPLY?

1. Applicants must be enrolled in a university which offers an undergraduate or equivalent professional qualification in Law or related field. Refer the ICA Program Rules found [here](#) for further details regarding participant eligibility.
2. Applicants must submit a 2-page CV and a 2-minute video stating why they should be selected for the program on the respective google form which will be available when the program opens.

Head over to the [www.themootcourtbench.com](http://www.themootcourtbench.com) website and visit the International Commercial Arbitration page under our Programs tab to sign up.

Registrations Open: **18 April - 9 May 2022**

## TIMELINE



## HEAR ABOUT IT

“The ICA program has been one of my most fulfilling experiences as a law student. While its meticulously prepared program helped me understand and experience International Commercial Arbitration, the knowledge I gained from the professionals, instructors and peers I met through the program was immense. It was through this training that I gained the strength to be able to represent Sri Lanka at the Vis East Moot Competition. However, the experience and practical skills I developed as an aspiring legal advocate, and all the remarkable individuals I met during the journey are what made this experience truly unique and wholesome.”

**Gaya Kulatunga**  
Alumni

“Participating in the ICA program 2021, undoubtedly equipped me with vital skills to support me on my journey in the legal profession. I was fortunate to gain knowledge on International Commercial Arbitration Law and the Law on the International Sale of Goods, vastly improve my written and oral advocacy skills and meet like-minded personalities within the mooting community. This well rounded, adaptable program put my skills to the test, granting me an opportunity to plead before local and international arbitrators at the national competition, whilst enabling me to represent Sri Lanka and my University at the prestigious Willem C. Vis International Commercial Arbitration moot. It was an absolute honour and privilege to have been a part of this program which was personally a life changing experience.”

**Namali Ratnayake**  
Alumni

“ For myself and my team, taking part in the Vis East in 2019 was a lifechanging experience that shaped our experience as law students. For myself and my team, taking part in the Vis East in 2019 was a lifechanging experience that shaped our experience as law students. As law students it taught us important skills of research, drafting, oral advocacy, on a personal note it taught us the importance of taking an initiative, confidence, competence and networking, and I have found that all of these skills translate into every workplace you will encounter.

Subsequently, the MCB has provided the platform for me to meet and train law students from around the country, meet the most wonderful team of dedicated individuals behind this program and has been the doorway to my becoming the Coach for the KIMEP University Team for the 29th Vis Moot. I believe that the MCB provides a comprehensive experience that prepares mooties not just for the Vis, but in lasting skills instrumental in the legal profession. ”

**Nithma Fernando**  
Alumni and Instructor



Sri Lanka Law College Team, Winners of the Vis National Rounds 2020

# THE INTERNATIONAL COMMERCIAL MEDIATION (ICM) PROGRAM

## **WHAT IS MEDIATION?**

Mediation is a process in which disputing parties agree to a neutral third-party facilitator to assist them to reach a mutually beneficial settlement of the issues in dispute and rests on the principles of confidentiality, impartiality, voluntariness, and self-determination of the outcome.

As a versatile ADR mechanism, Mediation is utilised in a vast range of dispute settlement processes ranging from Family and Community conflicts to Criminal and Investor-State disputes. It is most widely used, however, in the Commercial context. Mediation embodies values that are celebrated in the corporate field: efficiency, cost-effectiveness and preservation of commercial relationships.

In fact, it has long been integrated as part of the rich Sri Lankan history and the Asian culture as an amicable dispute resolution mechanism. In today's world, where there is a search for not just quantity control of caseloads but also an improvement in the quality of justice and where commercial disputes have widespread effects on communities, populations and entire nations, Mediation offers a path that protects relationships, produces a win-win outcome, and provides for a stable and sound economic environment.

## **IS IT FOR YOU?**

Mediation opens doors to wide range of career pathways by equipping you with skills that are applauded in every working environment: effective negotiation, relationship building and oral advocacy.

## **THE ICM PROGRAM**

The Commercial Mediation Program is an initiative to train law and business students in commercial mediation and mediation advocacy skills to provide the necessary platform for our young professionals who will inevitably become the future leaders of the Mediation and ADR arenas regionally and internationally.

The ICM Program of 2021 introduced a generation of young students into commercial mediation, and we are hopeful to present an improved and more comprehensive version of the experience to this year's cohort of trainees in 2022.

As we move into the second edition of the ICM Program, we are expanding our material to not just create future attorneys skilled in Advocacy, but also the next generation of future mediators who will enhance the ADR spheres of Sri Lanka and the international arena.

The training will therefore include training not just limited to advocacy but also in adopting the mediator role, and both skills will be utilized at the Competition Rounds which will require the students to negotiate commercial disputes with the facilitation of student mediators.

Train with professionals from the international Mediation community through a 24-hour training program that introduces, integrates and develops your skills as both a mediator and mediation advocate. The training encompasses education in theoretical and practical elements which equips students with indispensable skills such as effective negotiation, relationship building and strategic thinking which elevates their prospects in any career pathway.

## **THE MEDIATION NATIONAL ROUNDS**

Put your skills to the test and compete at the MCB Mediation Nationals with the assistance of your personal Team Mentor and emerge as the best teams to gain the opportunity of being trained and sponsored by the Moot Court Bench to represent Sri Lanka at prestigious international platforms such as the ICC Paris Commercial Mediation Competition.

# OUR PERFORMANCE

Competition	Awards
ICC International Commercial Mediation Competition 2022, Paris	Ranked 5th out of 48 teams Special Award for Distinction in Mediation Advocacy
Bucerius Law School Mediation Competition 2021, Hamburg	Ranked 8 <sup>th</sup> out of 24 teams
International Mediation Singapore (IMSG) Competition 2021	Silver Medal for Mediation Advocacy Bronze Medal for Mediation
ADC-ICC Asia Pacific Commercial Mediation Competition (APCMC) 2021, Melbourne	Participated at the ADC-ICC Asia Pacific Commercial Mediation Competition (APCMC) 2021



APIIT Law School Team for the ICC Mediation Competition 2022, Paris

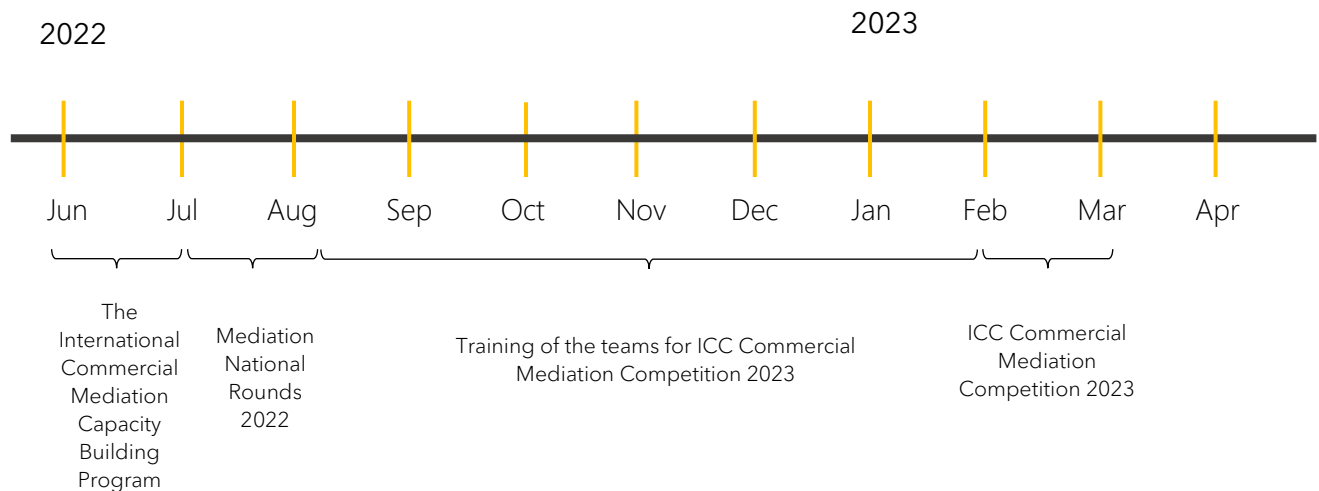
## HOW TO APPLY?

1. Applicants must be enrolled in a university which offers an undergraduate or equivalent professional qualification in Law or related field. Refer the ICM Program Rules found [here](#) for further details regarding participant eligibility.
2. Applicants must submit a 2-page CV and a 2-minute video stating why they should be selected for the program on the respective google form which will be available when the program opens.

Head over to the [www.themootcourtbench.com](http://www.themootcourtbench.com) website and visit the International Commercial Mediation page under our Programs tab to sign up.

Registrations Open: **18 April - 9 May 2022**

## TIMELINE





## HEAR ABOUT IT

“As part of the first cohort of trainees to participate in the ICM program last year, I had the privilege of learning from world class professionals like Thomas Valenti and Pascal Comvalius which undoubtedly created the steppingstones upon which I have built my profession in Mediation. The Program not only opens doors but prepares you for what’s on the other side. It is because of platform provided by the holistic training and national competition that I was able to represent Sri Lanka on prestigious international platforms like ICC Paris.”

**Sadiyah Reyal**

Alumni

“In early 2021, I had the honor - and absolute pleasure - to assess aspiring mediation practitioners as part of the Mediation National Rounds, part of the Mediation Programme of the Moot Court Bench (MCB). The Rounds were very well organized by the MCB - which, given the size of the event, was an immense effort by all involved. The event progressed without any glitches and always on time. The many MCB volunteers went out of their way to ensure that we Experts were on time in the right place - as a task requiring considerable rigor considering that the event was conducted entirely online. The MCB achieved here on a great scale and must be congratulated on this immense achievement.”

**Thomas John**

Judge

“ In April 2021 I took part as a guest mediator in the first edition of the Moot Court Bench Mediation National Rounds. I was impressed and thrilled by three things: the high professionalism and efficiency of the organization, the high standard of student negotiating teams, and the wonderful enthusiasm of all has set a standard for mediation training and mediation awareness that puts it firmly on the map in Sri Lanka and internationally, and it was a pleasure and honour to be involved. ”

**Gregory Bond**  
Judge

“ The priceless experiences encouraged me to take my skills in mediation beyond student competitions to a potential career pathway as a mediator through the qualifications offered by the International Mediation Institute. From being a participant at the introductory version of this event to maturing into a trainer for this year's edition, ICM 2021 introduced me to my pathway in mediation. ”

**Fathima Salihah**  
Alumni



## THE INTERNATIONAL TRADE LAW (ITL) PROGRAM

### WHAT IS TRADE LAW?

International trade law governs how States may restrict or regulate trade in goods and services. It is predominantly governed by the World Trade Organization (WTO) agreements, with some States also party to bilateral, plurilateral, or regional preferential trade agreements.

At the WTO, there is a complex set of rules dealing with trade in goods and services and the protection of intellectual property rights. WTO law addresses a broad spectrum of issues, ranging from tariffs, import quotas and customs formalities to compulsory licensing, food safety regulations and national security measures. These laws interact to reduce trade barriers between WTO Members while providing a framework to restrict trade for necessary measures to protect or promote important societal values. Therefore, at the heart of WTO disputes is balancing these competing interests.

### IS IT FOR YOU?

An understanding of international trade law opens doors to many opportunities at the domestic and international levels. International trade law fits anyone interested in economics, public international law, alternative dispute resolution, trade and regulation.

## THE JOHN H. JACKSON MOOT

The MCB International Trade Law (ITL) Program, which runs from June 2022 to June 2023, educates students on the rules of International Trade Law, through participation in the John H. Jackson Moot Court Competition. The John H. Jackson Moot Court Competition is a simulated hearing under the rules of the WTO dispute settlement system, organized by the European Law Students' Association (ELSA) with the technical support of the WTO and attracts circa 100 teams annually.

Teams will be required to prepare and analyse a fictitious case and present their arguments both as a complainant and a respondent. Teams will submit a written memorial, which will be followed by oral rounds, where they will present arguments in front of a panel that consists of international trade law experts. Oral rounds will consist of firstly the West and South Asian

Regional Rounds. Successful teams will then have the chance to go on to participate in the Global Final Rounds in the WTO Headquarters in Geneva, Switzerland.

## THE PROGRAM

In preparation for the moot, participants will learn about how disputes in International Trade are settled between countries in the WTO, from experts in the field, and through the 'WTO and US Trade Law and Policy' course offered by the American University Washington College of Law. Teams will go through a comprehensive nine-month training in written and oral advocacy which will help participants stand out both academically and in their legal career.



## OUR PERFORMANCE

Competition	Awards
John H. Jackson Moot Court Competition	Winners of the Global Final Rounds Best Speaker - Final Round Best Speaker - Quarter Final Rounds Best Written Submission for Respondent - Global Rounds Best Written Submission for Respondent - West and South Asian Regional Rounds

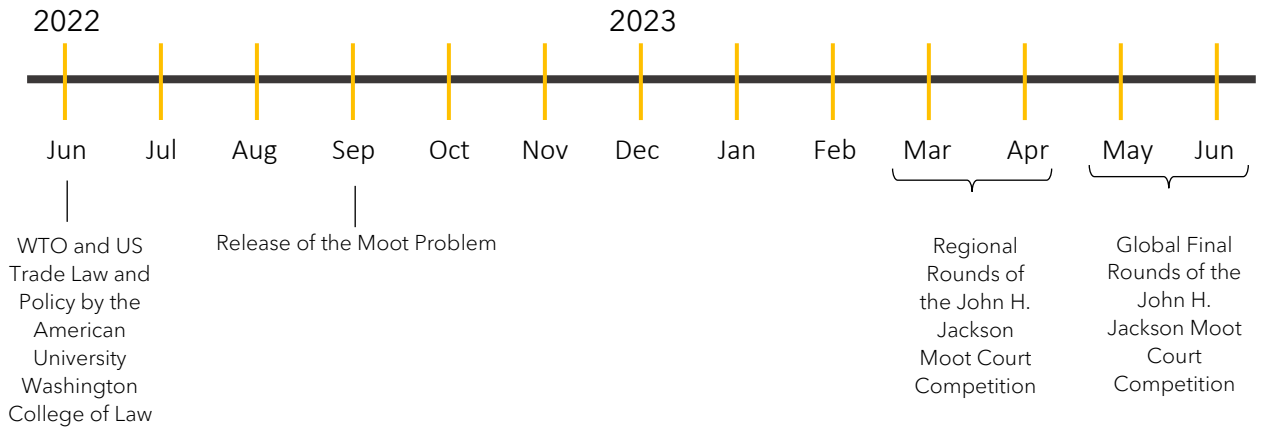
## HOW TO APPLY

1. Create a CV that does not exceed 2 pages,
2. Record a 2-minute video of you presenting an argument on the following topic: *Has free trade helped or hampered recovery from the pandemic?*

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# TIMELINE



## HEAR ABOUT IT

“ The JHJ moot has been an incredible learning experience, that has pushed me to improve not just at mooting, but as a law student in general. It’s a great opportunity to work with some of the best coaches and learn about a very interesting field of law. ”

**Saheli Wickramanayake**  
Alumni and Coach

“ The experience in simple was an "eye opener". The moot gave me the opportunity to understand the nuances of effective advocacy. The experience was demanding but rewarding and I'm glad to have taken part ”

**Sandun Batagoda**  
Alumni

“ An exciting journey filled with so much to learn and experience at the cost of nothing. This is free education in its truest sense which opens up new avenues in the process. ”

**Ashwini Pereira**  
Alumni



# CONTACT US

USE THIS INTERACTIVE PAGE TO GET IN TOUCH WITH US.