

Dear Participating Firms and Faculties of Law,

At the Terms of Reference meeting (TOR) held on Friday, 5 May, 2017 it was agreed that participants had a week from 5 May 2017 until 12 May 2017 to raise any further issues, questions, requests for clarification from the arbitral tribunal. A request for clarification on the length of time for presentation and number of representatives was received from Wole Olanipekun & Co. We have provided answers to both questions in the guidance below.

Call for Submission of Memorials

Each law firm will prepare memorials for both sides in the moot problem – Claimant and Respondent. As agreed at the TOR, the registry now invites parties to submit their memorials for both Claimant and Respondent(s) on or before 4pm 30 June, 2017. Extension of time is not possible and firms that do not submit their memorials by 4pm 30 June, 2017 may be disqualified.

Guidance:

A. Structure of the Moot

1. The Moot is broken into 2 phases. Phase 1 is the preliminary round and phase 2 is the finale. The two highest scoring teams regardless of the sides they represented will move on to the finale.
2. In their memorials, teams must address all the five issues identified in Procedural Order No.1. However, oral arguments at the preliminary round will be limited to only issues in paragraph B.1 below, while the teams that go on to the finale will argue only issues in paragraph B.2 below.
3. Participating Teams will be informed in the first week of July, as follows:
 - a. Who they will be competing against
 - b. Who their arbitral tribunal members and chairpersons will be
 - c. The hearing rooms
 - d. Categories of prizes and gifts available
 - e. The scoring criteria
 - f. And any other relevant information
4. There are 16 participating law firms and 7 participating universities, as set out below:

Firms

1. AELEX Partners
2. Aluko & Oyebode
3. Babalakin & Co
4. Banwo & Ighodalo

5. Dikko & Mahmoud
6. G. Elias & Co
7. Moshood Shehu & Associates
8. Olisa Agbakoba Lega
9. Perchstone & Graeys
10. Punuka
11. Sofunde, Osakwe, Ogundipe & Belgore
12. S.P.A Ajibade & Co
13. Sterling Partnership
14. Strachan Partners
15. Streamsowers & Kohn
16. Wole Olanipekun & Co

Universities

1. Babcock University
2. Lagos State University
3. Lead City University
4. Obafemi Awolowo Univeristy
5. University of Ibadan
6. University of Lagos

Note:

Apart from the University of Lagos and the Lagos State Univeristy, each university is invited to submit the names, emails and telephone numbers of 8 students who will participate in the moot on or before 12 noon, Friday, 19 May 2017. The students should be split into two groups of 4 students each, i.e group 1 & group 2. Each group will be assigned to a particular law firm, such that each university will have students working with 2 different law firms.

The University of Lagos and Lagos State University are invited to submit the names of 16 students split into 4 groups of 4 students each.

5. Scope of students participation:

The decision on whether participating students join the firms in both speaking and research roles (and not research roles alone) will be made by the law firms. However, because a fundamental aim of the moot is to give participating students a real opportunity to experience the depth of legal research needed in international arbitration and a chance at advocacy, **part of the criteria for assessing the teams will include whether the students in their teams get the opportunity to address the tribunal.** The decision as to what and how the students address, whether at the preliminary round or the finale will also depend on each law firm. We encourage the law firms to have at least three meetings with the students during which the students should be encouraged to use the firm libraries for research, try out speaking roles and be involved in the case strategies.

The LCA-YAN will provide financial assistance to each university to ease the cost of transportation.

B. Preparing the Memorials and Arguments

At the TOR, the tribunal clarified that parties are to address five issues in their memorials. These issues are broken into phase 1 and phase 2. Phase 1 issues will be argued at the preliminary round, while phase 2 issues will be argued at the finale.

1. Phase 1 issues are:

- a. Has Respondent rightfully avoided the contract of 28 March 2016 by its declarations of avoidance of
 - i. 7 July 2016 or
 - ii. 9 July 2016?
- b. Should the Arbitral Tribunal lift the remaining part of the order made by the Emergency Arbitrator against Respondent on 26 July 2016?
- c. Does the Arbitral Tribunal have jurisdiction over the Additional Party, i.e. Global

2. Phase 2 issues are:

- a. Claimant's damage claim
- b. Merits of Respondent's counterclaim for damages incurred due to the order of the Emergency Arbitrator

3. Page number, Font of the Memorials

At the TOR, it was agreed that the maximum number of pages for the memorials should be 15 pages. Font type: Arial or Times New Roman. Font size 12. Alignment: Justify Text. Single line spacing and double line spacing for paragraphs.

4. Arguments

- a. Each side will have 30 minutes to address the tribunal at each round. There shall be 5 minutes for rebuttal for each side on each issue, i.e. 15 minutes rebuttal time at the preliminary round and 10 minutes at the finale.
- b. Each team is expected to field 2 speakers only at each round, however, any team with a university student as a speaker will be allowed to field 3 speakers and will be allowed an extra five minutes for any issue the student will be speaking on.
- c. Each team is advised that they may represent different sides at the preliminary round and the finale. It may be helpful to have different speakers for the Claimant and Respondent arguments.
- d. Each firm is reminded that ideally its speakers should be 3 years post-call or below, but cannot be more than 4 years post-call by 28 July, 2017. Firms will be asked to submit the names of their speakers in the first week of July 2017.

C. The Oral Hearing – 28 July, 2017

1. The Preliminary rounds and the finale will take place on 28 July, 2017
2. For the preliminary round, there will be 8 simultaneous tribunal hearing sessions in the Lagos Court of Arbitration Building. There will be 8 separate hearing rooms.
3. Each tribunal will be composed of 3 arbitrators, so there will be 24 arbitrators for the preliminary round alone.

4. Time Lines

Ability of teams to arrive the hearing rooms on time will be noted by the tribunal.

- | | |
|-----------------------|---|
| a. 9:am – 9:45am: | Arrival of teams |
| b. 10:00am – 12:00pm: | Preliminary rounds |
| c. 12 noon – 12:45pm: | Lunch Break |
| d. 12:45pm – 1:15pm: | Reconvene in each hearing room for
announcement of results |
| e. 15pm – 1:45pm | Preparation for the Finale |
| f. 1:45pm – 3:45pm: | The Finale |
| g. 3:45pm – 4:00pm: | Announcement of winner and award of team
and individual prizes |
| h. 4:00pm: | Cocktail will conclude the event |