



COLUMBIA UNIVERSITY SCHOOL OF LAW

WILLEM C. VIS INTERNATIONAL COMMERCIAL ARBITRATION MOOT

HOW TO WRITE A MEMO WITHOUT GOING INSANE (MUCH)

I. DIVIDE UP THE WORK INTO MANAGEABLE SIZES

- **Organize:** split into procedural and substantive teams, with about 3-7 pages per person. Designate 1 general editor for substantive, 1 for procedural.
- **Collaborate:** discuss facts, laws, and, most of all, strategies as a group and sub-teams. Issues often overlap or have conflicting interests. A good early exercise for everyone to do is to write a 2-page Statement of the Facts.
- **Schedule:** set early deadlines because there's always more work to do than you realize. Whatever you don't do now will be much more painful the last night/morning.

II. BUILD UP THE MEMO AS YOU GO

- **Standardize:** review the style guide BEFORE you start writing, especially citation standards. You'd be amazed at how many different ways there are to cite and punctuate things. Use the proper font size, line spacing, paper size, and margins (but not paragraph numbers!) so page counts are more accurate.
- **Compile:** keep a list of your citations as you go. Each writer or section should have their own formatted index of authorities and cases and a list of any special abbreviations.
- **Markup Guidelines:** Use formatting and symbols to mark special text. Sounds tedious but makes it much easier later. If you only knew the power of Find-and-Replace.
 - Use <> to surround any text that needs to be italicized, including cites, cross-references, or in-quote emphasis. Examples:
 - "Luke, I'm your <father>" (emphasis added)[<Vader 832>];
 - <Catapultam habeo. Nisi pecuniam omnem mihi dabis, ad caput tuum saxum immane mittam>.
 - Use a different font color for cites to easily distinguish them and to easily see how many sources you're using. , e.g. [<Aristotle 398; see also Aquinas 76>]. Note the <>'s are there too so we know to italicize. []'s are not enough since they're used for non-cite stuff too like in-quote insertions: "You are [surely] kidding!" <>'s are only used for websites in the table of authorities.
 - Highlight parts that require special work like cross-references and instructions, e.g. (see supra ¶x) or [insert funky cite here].
 - Use "~P" instead of "¶" and "~S" instead of "§" because those special characters won't copy over properly later, e.g. [<Statement of Claim ~P9>].

III. PUTTING IT ALL TOGETHER

1. **Stabilize** the text. Don't even think of putting in text until the text is relatively finished, especially in terms of structure. Since all the paragraphs are numbered, you will avoid a migraine by putting the text in the exact order it should be in. Small changes, like more cites, are ok. Go over all the section headings together as a team.
2. **Prepare** the template. Copy a file with all the relevant styles, preferably an old brief (though this file has all the styles too), and rename it for this year. Do not delete any pages yet.
 - Update the cover with the moot #, which side the brief is for, the parties' info (under the proper columns) and, of course, your names. There's a sample in this Guide.

- Update the Statement of Facts, Prayer, and Summary of Argument (though SOA will likely change as edits progress).

3. Carefully put in the main text.

- Open two windows, one with the master template and the one with the text. Change the font color in the text window so you can easily tell which is which.
- **Copy one ¶ or heading at a time** from the text (Ctrl-C). To avoid accidentally copying over section breaks and other funky stuff, copy from the first character of the ¶ (not indents or spaces!) all the way to the next-to-last character (usually the one before the period). When you're more experienced, you can copy small sections at a time.
- In the master template, if possible, select an existing ¶ (or heading if that's what you're putting in), from the first character to the next-to-last character, then **paste without formatting** as "Unformatted Unicode Text" or "Unformatted Text" (Alt+E, S, cursor down, OK).
 - If need be, change the style of the heading to the right level by selecting just the text of the heading and then selecting the appropriate style.
 - Make sure the ending character is correct or add it as needed. Check the previous ¶ to make sure you pasted in the right place. Check the ¶ number.
- If you need to add a new ¶ to the template, go to the end of an existing paragraph and press Enter (a few times if you want to be extra safe). This creates new numbered ¶'s, by default, ready for pasting (without formatting!).
- If you need a new header though, do as above but carefully backspace to delete just the number, leaving you an empty line. Paste in the heading text (without formatting!). Then select only the heading text and change its style to the appropriate heading style.
- Highlight any things that need to be fixed later, e.g. [insert cite here], but not the "see supra" and "infra" cross-references which we'll do in mass later.
- Delete leftover ¶'s or headings in the template as you go. If you want to be extra-careful, change the font color of text you've already added in the text window.
- Periodically save as a new file; include the time in the name, e.g. **masterRE_1830.doc**, and email to team list as backup.

4. Other things to do.

Only one person at a time should be working on the master template to avoid version conflicts. Things other people may do:

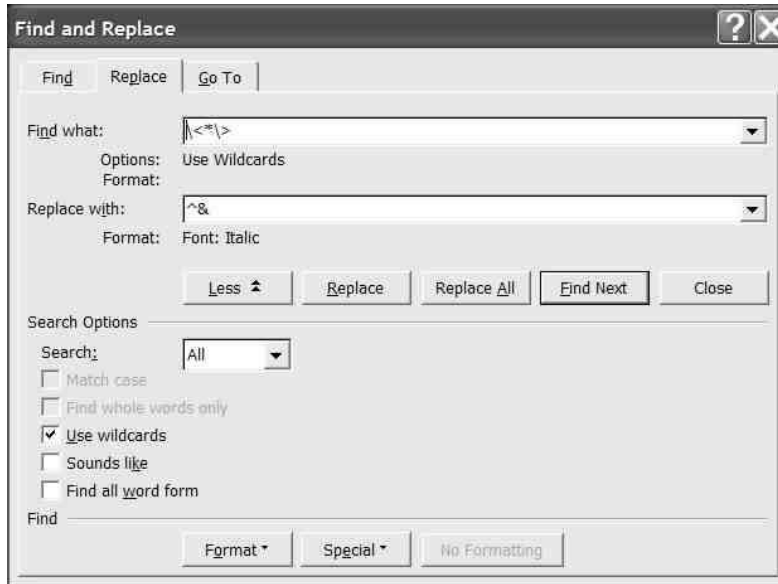
- Editing the text for sections that haven't gone in yet. Researching more cites.
- When cites are relatively stable, put together and format the tables for Authorities, Cases, and Abbrevs. (easy to copy in later).
- Editing other parts as needed, particularly Summary of Arguments.
- Napping (because it's going to be a long night).

5. Mass-formatting.

- Once the main text is in, or at least a big section, you can mass format it using the power of Find-and-Replace and all those special markups you put in the text. Everything here can be done for the Statement of Facts too—that would be good practice to start!
- **Select only the text that is ready for mass-formatting.** Leave it selected while formatting for all of Step No. 5.

A. Italics.

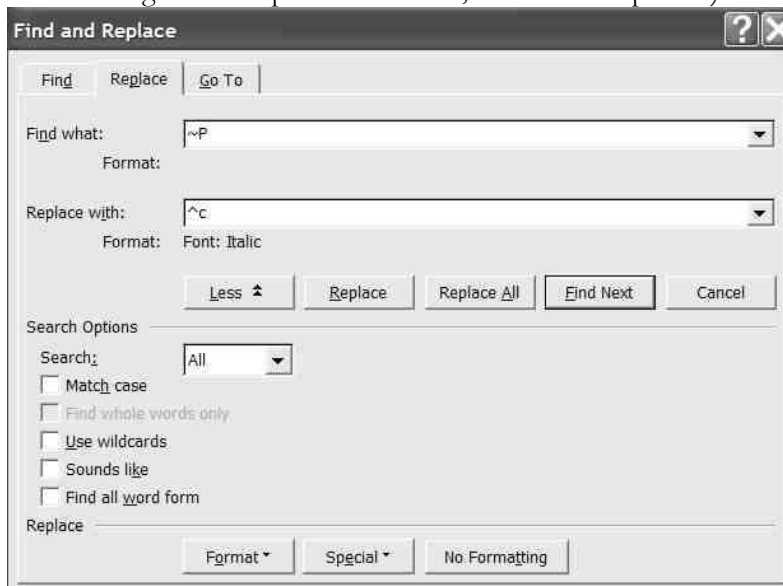
- Open the Find-and-Replace window and set it exactly as follows. The “Find what” is “\<*\>” and the “Replace with” is “^&” (both without the quotes!). For you geeks, ‘\’ denotes a metacharacter and “^&” means found character string.



- Click “Replace All”. Viola! Now all the <> text is italicized.


B. Paragraph and section symbols.

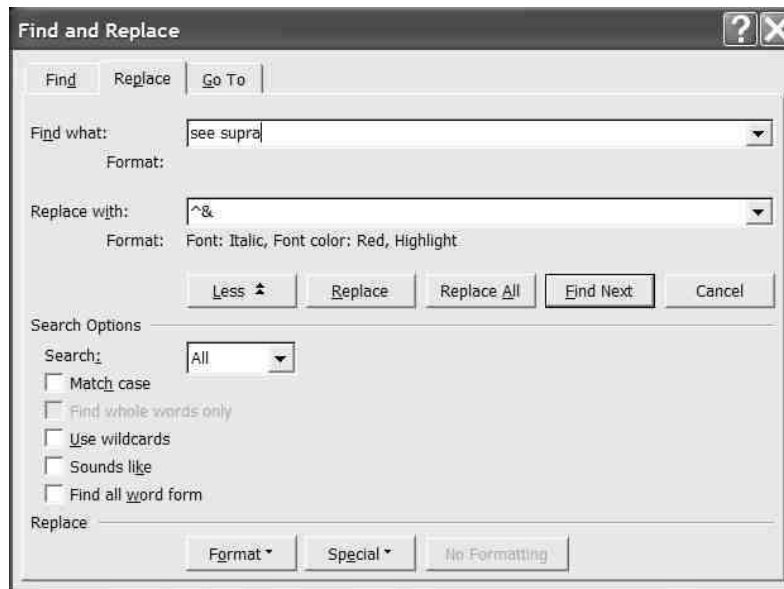
- Now to put in all those ¶’s and §’s. Open a new window, insert a ¶ symbol and copy it into the clipboard (Ctrl-C).
- Go back to the template window, still with only the text for mass formatting selected. Change the settings as follows (“~P” is our notation for ¶ and “^c” is Microsoft-geek for clipboard contents, also under “Special”).



- Click “Replace All” and now you’ve got ¶’s galore. Repeat with “~S” for §’s.

C. Highlighting.

- Almost done. Set your highlight color to  or any other color you like.
- Still with the text selected, use the following settings:



- Click “Replace All”. Repeat with “see infra”.
- Their job done, delete all the <>’s in the selected text.

6. Finishing touches.

- **Insert cross-references.** Once ALL the paragraphs and their numbering are set, have each section writer print out a copy of their section or brief and write down the ¶ numbers they cross-reference with supra (above, i.e. lower ¶ number) or infra. Insert cross-references accordingly.
- **Cross-check the cites.** Once ALL the cites are in and the tables prepared, cross-check them. 1 or 2 people to check that everything in the tables is actually cited in the main text (and properly formatted!). 2 or 3 people to check the main text that sources cited in the text are listed in the tables. Everyone should work off their own copy or printout of the master file. Focus on cites alone.
- **Make the cites normal.** Once all the cites are checked, select the main text and set highlighting to None and the font color to Automatic.
- **Save stranded text.** After all the tables and text are set, go through the tables and text to make sure no source entries are cut up and no headings are separated from their section. Insert lines as needed. Make sure authors in the Authorities table don’t look funny too, e.g. a first initial dangling on its own line. Adjust font size to fix.
- **Update the TOC** (right-click on the table, Update Fields, Entire Table; might have to do it again to update the page numbers). The TOC should be updated only after all the tables and text (including cites) are set. **Read through the TOC**, especially to check that page numbers are lined up. If some page numbers are weird, you might have to shorten the headings for that page.
- **Check the Statement of Facts, Summary of Argument, and Prayer.**
- **Cover-to-cover review.** Preferably with multiple, fresh eyes.

STYLE GUIDE FOR THE VIS MOOT COURT

Columbia University Vis Moot Court Team

GENERAL MEMORANDUM SET-UP

Title Page

Table of Contents

List of Abbreviations

Index of Authorities

Index of Cases

Statement of Facts

Summary of Argument

Argument

Prayer for Relief

PAGE SETUP

Paper: A4 format (more space than letter size)

Margin: 1 inch on all sides (2500µm)

Font: Garamond, 12 point

Spacing: 1.5

Alignment: justified

Hyphenation: use this function only if really need to save space or if justification distorts the way the page looks

PAGE NUMBERING

The title page is unnumbered.

The section “Table of Contents” through “Index of Cases” is numbered using lower-case Roman numerals. Each item begins on a new page.

The section “Statement of Facts” through “Prayer for Relief” is numbered using Arab numerals. Neither the Summary of Arguments nor the Prayer for Relief must start on a new page. The Argument Section must start on a new page.

To be able to format this numbering, you must create section breaks (“starting with the next page”) after the title page and after the index of cases.

TITLE PAGE

The title page should look something like this. Note the use of tables here and in the Prayer.

MILLIONETH ANNUAL

WILLEM C. VIS INTERNATIONAL COMMERCIAL ARBITRATION MOOT

MEMORANDUM FOR RESPONDENT

On Behalf of:

Mediterraneo Dufus S.A.

23 Unreasonable Lane
Conformity City
Mediterraneo

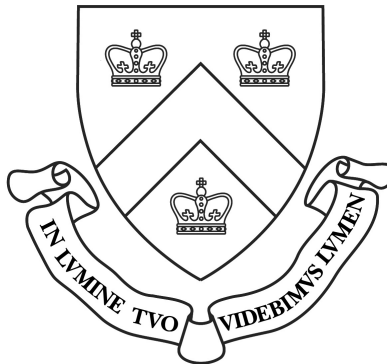
RESPONDENT

Against:

Equatoriana Buffoonus Ltd.

415 Could Not Have Been Unaware Centre
Breach Beach
Equatoriana

CLAIMANT



COLUMBIA UNIVERSITY SCHOOL OF LAW

LORD BLACKSTONE · ALBERTUS DUMBLEDORE · LUDWIG BEETHOVEN
THOMAS AQUINAS · THREE STOOGES · GENGHIS KHAN

TABLE OF CONTENTS

The Table of Contents should tell a story. It should encapsulate the legal argument and must be persuasive.

The Table should be formatted basically the same way as the outline. However, it need not necessarily go as deep (include as many sub-headings) as the actual outline.

The Table should contain the page numbers of the list of abbreviations, index of authorities, index of cases, statement of facts, summary of argument, the various sub-sections of the argument, and the prayer for relief.

OUTLINE FORMAT

This formatting is used for headings in the body of the text. It should be used for the table of contents as well, but in a simplified version (no underlining or italics, bold only for “Part” heading). For uniformity throughout, use styles to define the various headings.

PART ONE: PROCEDURAL ISSUES (all caps, bold)

I. PROCEDURAL ISSUE ONE (small caps, bold)

A. Sub-Issue One (normal, bold)

1. Point one (normal, underlined)

2. Point two

a. *Sub-point one* (italics, expanded spacing)

b. *Sub-point two*

i. *Detail one* (italics, normal spacing)

ii. *Detail two*

B. Sub-Issue Two

II. PROCEDURAL ISSUE TWO

PART TWO: SUBSTANTIVE ISSUE ONE

Etc.

HEADINGS IN GENERAL

Headings should be formulated as full sentences and convey an argument.

They must be followed by a period.

LIST OF ABBREVIATIONS

The List of Abbreviations should contain a list of shortened words (e.g. “cir.” for “circuit”), acronyms (“NYBOT” for “New York Board of Trade”), Latin words (e.g. “e.g.” for “exemplum

gratii [for example]), country names (e.g. “Ger.” for “Germany”), and symbols (e.g. “§/§§” for “section/sections”).

INDEX OF AUTHORITIES AND INDEX OF CASES

The Index of Authorities should be sorted by books/articles. The Index of Cases should be sorted by country. The Indexes should provide full bibliographical information and an indication of the short form used in the Argument section. The short form of cases should, if applicable, include a reference to the country in which the (court) case was heard.

It is easiest to format the Indexes (and also the List of Abbreviations) by using a table with invisible lines (which are, however, visible to you in Word). You do this by formatting the table to have “no borders”.

Example for Index of Authorities:

- Schlechtriem, Peter (ed.)** Commentary on the UN Convention on the International Sale of Goods, 2nd Ed.
Oxford University Press, New York 1998
Cited as: Author in Schlechtriem
- Smit, Hans** “Case-Note on Esso/BHP v. Plowman (Supreme Court of Victoria)”
11(3) Arbitration International 299 (1995)
Cited as: Smit, Case Note
- UNCITRAL** Secretariat Commentary on the 1978 Draft of the CISG
Cited as: Sec. Comm.

Example for Index of Cases:

- France** Cour d’appel Grenoble, France, 23 October 1996, CLOUT Case No. 205 (Revue critique de Droit International Privé 756 (1997))
Cited as: CLOUT Case 205 (Fra.)
- Ste. Calzados Magnanni v. Sarl Shoes General International – S.G.I., Cour d’Appel de Grenoble (France), 96J/00101, 21-10-1999
Cited as: Ste. Calzados v. Sarl Shoes (Fra.)

Other

ICC Case No. 4126 (1984)

reprinted in Collection of ICC Arbitral Awards 1974-1985,
551 (1990)

Cited as: ICC Case No. 4126

Iran Final Award 600-48501

Cited as: Iran Award 600-48501

SUMMARY OF FACTS

The Summary of Facts should be no longer than two pages. It should name all events relevant to the case. Dates and defined terms are provided in bold. Defined terms are named following the long-form of the term in parentheses and quotation marks. Where possible, define terms as short forms to be used in the main body of the argument (e.g. “Equatoriana Government Cocoa Marketing Organization” can be reduced to “EGCMO”). All facts must be cited to some source in the Competition Materials.

Terms such as Buyer, Seller, Claimant, Respondent, Obligor, Obligee are supposed defined terms and are capitalized. When referring to these terms, never use the definite article to label them (“the”).

In all likelihood, Claimant and Respondent will be corporate entities. In that case, refer to them by the pronoun “it” (singular – NOT “they”). Take care not to confuse “its” and “it’s”!

In the Statement of Facts, dates should be cited in the format “24 February 2002”. In the body of the argument, a shorter form should be used (e.g. “24 Feb. 2002”).

Example (excerpt):

On **24 February 2002**, Respondent informed Claimant that a storm had destroyed cocoa stocks in Equatoriana (**“the Storm”**) and that the Equatoriana Government Cocoa Marketing Organization (**“EGCMO”**) was imposing an embargo (**“the Embargo”**) on exports of cocoa through at least March (**“the 24 Feb. letter”**) [*Cl. Ex. 3*].

SUMMARY OF ARGUMENT

The Summary of Argument basically contains the introduction to each of the major sub-sections of the argument (the “chapeaus”, see below).

It should be divided by the parts contained in the main argument (Part one, part two, etc.).

Ideally, the summary should be no longer than a page.

ARGUMENT SECTION: ARGUMENT SET-UP

Remember to use IRAC. It should be employed both at the macro and micro level.

Issue
Rule
Application
Conclusion

In general, move from Principle → Rule → Analysis. The law should go upfront.

Also: Use topic sentences!

The topic sentences of each section/sub-section/sub-sub-section/etc. should make the argument (they may repeat the headings to some extent). You should be able to understand the outline just by looking at the topic sentences. They should be forceful.

ARGUMENT SECTION: CHAPEAU

In introductory sections, frame the issue (create a “chapeau”, i.e. do some sign posting)

→ Name most important arguments in table-of-contents style (signal location of info)

→ (Possibly) Name key facts on which you will be relying

Example:

PART II: THE FLEXOPRINT MACHINE DID NOT CONFORM TO THE CONTRACT.

38. The Machine delivered to Claimant was not of the quality and description required by the contract, under which it was understood that the machine should be able to print on papers and foils as thin as 8µm (I). Nor was the Machine fit for the particular purpose made known to Respondent, which was to print on 8µm-thick confectionary foil (II). Based on the nature of the negotiations between Claimant and Respondent and the nature of Claimant’s prior exposure to the used Machine it bought, Claimant could not have known of the non-conformity (III). Consequently, Respondent is liable for the damages arising from the non-conformity of the Machine (IV).

ARGUMENT SECTION: PARAGRAPH NUMBERING

Each paragraph in the argument section is numbered. It should be numbered in the margin. To do this, create a separate style for the paragraphs and apply outline format.

ARGUMENT SECTION: LENGTH

The argument section plus the statement of facts and summary of arguments should be no longer than 35 pages.

ARGUMENT SECTION: CITATIONS

Avoid footnotes as much as possible, but use them if you need to signal to reader that you are making particular assumptions about the fact pattern. The formatting should be 10pt. Garamond.

Citations in the text should use short forms. The bibliography will contain the long form and reference to the short form.

Note: if you are citing a commentator, use page numbers; if there are none, then resort to paragraph numbers (symbolized by “¶”).

ARGUMENT SECTION: CITATIONS TO EXHIBITS, PROCEDURAL ORDERS, AND CLARIFICATIONS

Exhibits: Cl. Ex. 5; Res. Ex. 2

Procedural Orders: Proc. Ord. 2, No. 18 (“No.” refers to the paragraph number)

Clarifications: Clar. Q.11 (“Q.” refers to the question)

ARGUMENT SECTION: REPEAT OF A CITATION

If you are referring to a citation/section more than one reference away, use the word “*supra*.” It is always italicized.

If you are referring to a citation/section only one citation away, use “*id*.” This word is italicized as well.

ARGUMENT SECTION: CITATION OF ARTICLE NUMBERS

When citing to/mentioning an article for the first time in the main body of the text, add a reference to what agreement/convention/etc. that article belongs. After that, just mention the article number, unless it would be confusing not to mention the source of that article.

Article should always be abbreviated as “Art.”.

ARGUMENT SECTION: PUNCTUATION

Two spaces after end-of-sentence periods, unless the brief is very short on space.

Citations in-text should be in square brackets and italicized (*italized*). Multiple sources within one citation should be separated by semi-colons. Add only one (1) space after the semi-colons.

[*Aha!* 45; *Zzzz* 591; *Grrr* 666]

If the citation is at the end of the sentence, there is only one period, and it comes after the second square bracket.

Mumbo jumbo, mumbo jumbo, Greek Greek [*Precedent 1*; *Erudite 1290*].

Most English-language writers over-use commas.

Make sure you really need them when you use them.

ARGUMENT SECTION: ENUMERATIONS

Enumerations should use the terms “First”, “Second”, “Third”, etc. They should NOT use “Firstly”, “Secondly”, etc.

ARGUMENT SECTION: USE OF NUMBERS

Generally, spell out numbers.

However, if you are referring to a number of units (dollars, micrometers, etc.), use Arab numerals.

ARGUMENT SECTION: DATES

See above, Summary of Facts.

ARGUMENT SECTION: HYPHENATION

Hyphenate combinations such as two-year, eight-month, age-old, etc.

In general, if two words qualify a noun, they should be hyphenated.

In some instances, you may decide not to hyphenate if a phrase commonly is used without hyphens (e.g. “choice of law issues”).

ARGUMENT SECTION: FOREIGN WORDS

Foreign words (Latin, French, etc.) must be italicized. *Situs* is a foreign word.

ARGUMENT SECTION: USE OF THE WORD ONLY

The correct usage of “only” is directly before the word/clause it qualifies.

Example:

He had been to Rome only once.

Incorrect:

He only had been to Rome once.

ARGUMENT SECTION: OTHER COMMON MISTAKES

Statute of limitations (here, limitations is used as a plural)

Period of limitation (here, limitation is used as a singular)

Refer to countries as “states” – this is established international law usage.

Be sure to use the terms “defective” and “non-conforming” correctly.

In formatting, make sure quotation signs are in the correct font.

ARGUMENT SECTION: ADDRESSING THE TRIBUNAL

When discussing how an issue should be decided, remember to address the Tribunal specifically. Do NOT write sentences along the lines of “X requires the application of Y.” Rather, write “The Tribunal should apply X to Y.”

ARGUMENT SECTION: STYLE

Generally, stick to active, not passive, language. However, it is okay to use intransitive verbs from time to time.

Keep sentences short.

Also, avoid wordiness. Don’t use phrases like “it is important to note that…” Usually, you can get your point across very well without resorting to such flourishes.

ARGUMENT SECTION: STRAW MEN

Strawmen can send the opponent off on the wrong track. Use them wisely.

PRAYER FOR RELIEF

In light of the above submissions, Counsel respectfully request that the Tribunal find that:

- The Tribunal lacks whatchamacallit to consider the dispute between Equatoriana Buffoonus Ltd and Mediterraneo Dufus S.A.;
- The Funky Widgets so duh like conformed to the Contract;
- Any liability of Respondent is excused by Claimant’s failure to be cool like me;

Consequently, Mediterraneo Dufus S.A. requests the Tribunal to order Equatoriana Buffoonus Ltd to pay all costs of arbitration, including the costs of legal representation.

(signed)

/S/ Lord Blackstone
Lord Blackstone

/S/ Albertus Dumbledore
Albertus Dumbledore

/S/ Ludwig Beethoven
Ludwig Beethoven

/S/ Thomas Aquinas
Thomas Aquinas

/S/ Three Stooges
Three Stooges

/S/ Genghis Khan
Genghis Khan

23 January 4567

PRAYER FOR RELIEF: ELECTRONIC SIGNATURE

In the electronic version, signature is done as below. If you’re really cool, take a picture of everyone’s signature and paste it in the file instead.

/s/ Beethoven
Beethoven


Beethoven