



# Newsletter 1

## Hugo Sinzheimer Moot Court Competition

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### *Welcome*

We are very pleased and proud to present you our first newsletter. In this newsletter we will inform you about the first Hugo Sinzheimer Moot Court Competition - or Hugo Moot as students call it - which took place from 23-25 June 2016, in Amsterdam, The Netherlands. In our opinion the first Hugo Moot was a great success and worth to be continued. With this newsletter we hope to share with you some of the feel of it. Furthermore, we will inform you about future plans for the Hugo Moot, in particular to extend it from nine to thirteen participating countries. Our colleagues from Hungary will inform us about the subject of the case for the secondt Hugo Moot which will be held from 15-17 June 2017 in Aarhus, Denmark. The colleagues from Denmark will inform us about the latter in more detail.



**Organising Committee** (from L to R) Piotr Grzebyk (Poland), Natalie Videbæk Munkholm (Denmark), Attila Kun (Hungary), Zakaria Shvelidze (Georgia), Beryl ter Haar (The Netherlands), and Antonio Garcia-Muñoz Alhambra (Spain)

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## ***1. About the name giver***



Before going to the event, a few words about the name giver (godfather) of our moot court. Hugo Sinzheimer was a German lawyer and legal scientist. Sometimes he is called ‘father of labour law’. He grounded his plea for the relative autonomy of ‘labour law’ as a field of law on the peculiar character of the legal relations regarding ‘dependant’ labour. He has been an important founding father of the law on collective agreements and works councils. Not only in Europe, but as far as Japan and Southern Korea his works have had a profound impact on collective labour law (source: website Hugo Sinzheimer Institute Amsterdam).



During his opening speech prof. Evert Verhulp (director of the Hugo Sinzheimer Institute and chair of the HS MCC Organising Committee), noted that "*naming a labour law moot court competition after Sinzheimer does justice to his legacy, as well as it is symbolic for the European and international dimension of this competition.*"

## ***2. First Hugo Sinzheimer Moot Court Competition***

***23-25 June 2016, Amsterdam***

### **2.1 In the run up to the Hugo Moot**

**Doing a moot court is essential**  
**Doing one in labour law is special**  
**Doing the Hugo Moot is AWESOME**



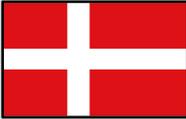
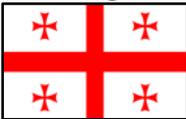
With this motto we started to motivate and recruit students to participate in a brand new international moot court competition. In some countries, like Poland and Denmark, this was very successful both starting with more than four students, which is the maximum number of students to bring to the event. In other countries this was less successful, resulting in last minute changes in participants.

At this place we would like to express our appreciation and admiration for the Italian team of Edoardo Ales and Antonio Riefoli (above) and the Lithuanian team of Daiva Petrylaite (right). Edoardo, Antonio and Daiva: congratulations for your teams' performances. They are both winners just for the mere fact that they dared to take on the Hugo Moot at such a very late stage!



## 2.2 Participants

The following teams have participated in the first Hugo Sinzheimer Moot Court Competition.

Country	Students	Coaches	Coordinating university
<b>Denmark</b> 	Asger Lund-Sorensen Cecile Hansen Christian R. W. Christensen Nina S. V. Pedersen	<b>Natalie Videbæk Munkholm</b> (University of Aarhus) <b>Daniella Elkan</b> (Kammeradvokaten/Advokatfirmaet Poul Schmith) <b>Morten Eisensee</b> (Kammeradvokaten/Advokatfirmaet Poul Schmith)	University of Aarhus
<b>Georgia</b> 	Irakli Duadze Tamari Bakaradze	<b>Zakaria Shvelidze</b> (Gvinadze & Partners LLC and Georgian Center for Labour Law)	International Black Sea University
<b>Hungaria</b> 	Bettina Boglárra Kiss Ildiko Rác Kitti Vizler	<b>Sarah Hungler</b> (Eötvös Loránd University) <b>Attila Kun</b> (Karoli Gaspar University) <b>Eva Konta</b> (Karoli Gaspar University)	Karoli Gaspar University
<b>Italy</b> 	Erica Maida Giulia Salvucci	<b>Antonio Riefoli</b> (Università degli Studi di Cassino)	Università degli Studi di Cassino
<b>Lithuania</b> 	Aiste Butvilaite Dainius Austrevicius Kornelija Jonuskaite Zygimantas Maskevicius	<b>Daiva Petrylaite</b> (Vilnius University) <b>Vida Petrylaite</b> (Vilnius University)	Vilnius University
<b>Poland</b> 	<p style="text-align: center;"><i>Judges</i></p> Karolina Goździkiewicz Katarzyna Staszekiewicz Katarzyna Wieczorek Wojciech Kuzmienko  <p style="text-align: center;"><i>Mock team</i></p> Aleksandra Brodowska Aleksandra Stępniewicz	<b>Piotr Grzebyk</b> (University of Warsaw) <b>Agnieszka Zwolińska</b> (University of Warsaw)	University of Warsaw

Country	Students	Coaches	Coordinating university
<b>Spain</b> 	Blanca Martin Bustos Elvira Muñoz Fernández Raquel Díazde la Cruz Virginia Moreno Moraleda	<b>Antonio García-Muñoz Alhambra</b> (University of Castilla la Mancha)	University of Castilla la Mancha
<b>The Netherlands</b> 	AnnemijnWesterduin Fanny Sax Imran Hyder Janien Schunken	<b>Berylter Haar</b> (University of Amsterdam) <b>Johan Zwemmer</b> (Stibbe)	University of Amsterdam

### 2.3 Case Committee

There cannot be a moot court without a case. We are very thankful to the Polish Case Committee, in particular **Monika Domańska, Grzegorz Ruszczyk** and **Monika Smusz-Kulesza**. All of them have done it voluntary and on top of very busy schedules. When we asked them why they were investing so much of their free time into this, Monika Smusz-Kulesza answered that:

*"the most rewarding of the HS MCC event was to see how devoted the students were in solving our case. This made me feel that I did something that was worth the greatest effort."*

Special thanks also for our colleagues **Piotr Grzebyk** and **Agnieszka Zwolińska**, who have offered professional support to the Case Committee. The case was very challenging and gave students (and their coaches) much to think and debate about. During the Hugo Moot it proved to be perfect, since it gave both sides plenty of opportunities to shine and demonstrate their pleading capabilities. Even though the claimant never won the case, the teams representing the claimants were able to win in the competition. Having such an excellent case has without any doubt contributed to the success of this first Hugo Moot.

**THANK YOU!**



## 2.4 Judges

We were very fortunate to have seven very skilled and professional judges. Since the case was based on the Polish situation, it was essential to have judges with a thorough understanding of the Polish law as well as the European legislation that was needed to solve the case. **Łukasz Chruściel, Monika**



**Domańska, Lukasz Pisarczyk, and Monika Smusz-Kulesza** proved to be such judges. The group of judges was further comprised by **Jesper Svenningen** who is judge at the Civil Service Tribunal (part of the Court of Justice of the EU) and **Marco Rocca**, who is lecturer at the Université Catholique de Louvain, with a

specialisation in posting of workers. For the finals the court was extended by **Gerrard Boot**, who is cantonal judge at the district court of Amsterdam and, like Lukasz Pisarczyk, member of the advisory board of the HS MCC. How essential it is to have such excellent judges is expressed by Erica Maida (participant from Italy), when she was asked how she experienced the Hugo Moot:

*"the whole event felt even more realistic because the judges were very professional".*

The teams gave the judges a hard time. From the start of the quarter finals onwards it was clear that the level was very high. All participants were well prepared and were equally matched to each other. Not surprisingly, judges' deliberations were often long and could not always be decided by the pleading performances of the students only. This was in particular true with the selection for the semi-finals where the written statements were decisive for the outcome. For the selection of the final and the appointment of the finalists though, the oral pleading skills were decisive.



## 2.5 Student-judges

Unlike other international moot court competitions, the Hugo Moot is not based on European or international law directly. The case is based on a national legal context through which access is gained to European/international law. Consequently, Hugo Moot cases will always be influenced by doctrinal discussions of the country which legal context it is based on. We call this the Law-host country. In the context of a competition we felt that this would give the students of the Law-host country an advantage. However, not letting them participate would not be an option. Therefore, we have introduced a novelty: a competition of judges. This means that the students of the Law-host country, Poland for this year, compete with each other as judges. Like the other participants they prepare as one team, however, they formulate their own questions, chair the moot sessions and deliver an oral verdict

taking into account the arguments of the parties. The competition takes place in two rounds: the quarter finals (which for them is the semi-final) and the semi-final (which is their final). The student who performs all this the best wins and will chair the final.

This year's student-judges performed their role excellently and some of the toughest questions for the teams came from them. We want to congratulate all the student-judges for their achievements, and in particular **Katarzyna Stasziewicz** for her excellent performance and **Wojciech Kuzmienko** for his outstanding performance and with that winning the student-judge competition. You all have made this element of the Hugo Moot a success!



## 2.6 Cultural Evening and drawing of the quarter finals

After years of preparations it was finally happening! On the evening of 23 June 2016 the first participants were walking into the Oudemanhuispoort, home of the Amsterdam Law School. All participants brought food and drinks from home to share with their competition. Every team had definitely done their best to treat the others to the best their country has to offer. It was impressive and delicious!



During the cultural evening the quarter-finals were drawn. To ensure transparency and fairness, the drawing was done in presence of all the participants. After the drawing teams seeked each other out to find out about their strategies. Whether this was successful remains an open end. What is sure though, is that it made clear for everyone that the competition had started! Not surprisingly, all teams came in early the next morning, Friday 24 June, for final preparations for the first round of pleadings.

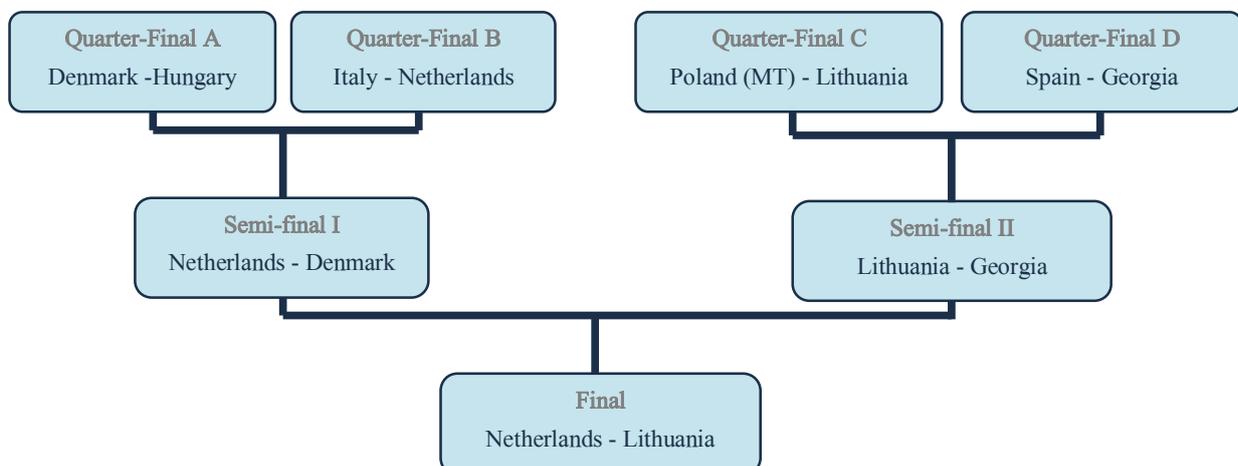


## 2.7 The Competition and Awards



Figure 1 illustrates per round which teams have been competing against each other. The teams that are named first were acting on behalf of the claimant and the teams that are named second on behalf of the defendants. Since the Hugo Moot is set up in a cup-system, it follows that the winners of quarter finals A and B move on to semi-final I and the winners of quarter finals C and D move on to semi-final II. The finalists are then the winners of semi-final I and semi-final II.

**Figure 1. Hugo Moot Competition**



Although the competition system seems rather straight forward, this was certainly not the case when it came to deciding which teams were to proceed to the next round. Just for that the Hugo Moot could already be called a success.

### 2.7.1 Best written statement

That the competition was tough became already apparent during the quarter finals, in particular between Denmark and Hungary. In order to appoint the winner, the written statements clinched the outcome in favour of Denmark. Moreover, the written statements of the **Danish team** were the best from all teams and therefore awarded as **best written statements**.



### 2.7.2 Best oral performances

The Danish team also stood out during the semi-finals. This session, against home team, The Netherlands, felt in all respects like a final. Both teams had scored high on the written statements, therefore the decision on which team won was based on the oral performances. That both teams were



strong in the oral performances became clear during the award ceremony when **Cecile Hansen** of the Danish team and **Janien Schunken** of the Netherlands team, both received an award for excellent oral performance. However, the difference in performance level was made by **Imran Hyder** of the Netherlands team, who received the award for **best oral performance**. Although, this award was intended for one person only, the jury (the HS MCC judges) unanimously decided that **Aïste Butvilaite** (Lithuania), also qualified for the award of best oral performance. Gerrard Boot, who performed the award ceremony, stressed that having two winners for this award was illustrative for the high level of the whole Hugo Moot. Moreover, he stressed that *"all lawyers would always be prepared that well for a court hearing."*

### 2.7.3 Best team

A short hour after the semi-finals, all participants and their coaches gathered in the Doelen-hall of the library of the University of Amsterdam, to support the finalist teams: The Netherlands (representing the claimant) and Lithuania (representing the defendants). Having the finals following this shortly after the semi-finals, the finalist teams had ample time to prepare. Nonetheless, both teams came out very strongly and gave each other and the judges a hard time.





Having learned from previous rounds, arguments were sharpened and presented with more confidence. At the same time, the judges had also refined and deepened their questions and were less easily satisfied with arguments brought forward by both teams. HS MCC judge **Marco Rocca** captured this nicely when he said that *"the Hugo Moot is an incredible opportunity for students in many aspects. In particular, since students are confronted with legal reasoning and with the approach of actual judges."*

Despite the high overall level and that of the finalist teams especially, there could only be one winner:  
**The Netherlands.**



## 2.8 Fraternization



Characteristic for a competition is that it puts participants in opposition to each other and this was definitely also the case with the Hugo Moot during the formal parts.

However, the Hugo Moot has also proven to have the effect of fraternization: friendships have been made and sealed between students, coaches and HS MCC judges.



## 3. Second Hugo Sinzheimer Moot Court Competition



After the success of the first Hugo Moot there was no doubt but to continue. The University of Aarhus (Denmark; photo left), in collaboration with law firm Kammeradvokaten/Advokatfirmaet Poul Schmith, will be hosting the second Hugo Moot

in Aarhus. The District Court of Aarhus (photo right) has offered the court rooms for the final rounds. Being in two amazing buildings, we are already very much looking forward to it.



The Law-host country will be Hungary, coordinated by Attila Kun from the Karoli Gaspar University. The legal subject of the second Hugo Moot case will be 'transfer of undertaking'. A subject that is timely and topical in many countries of the European Union, not only at European, but also at national level. Furthermore, it is a subject that is continuously in development and therefore holds many issues that will guarantee yet again a challenging case with enough arguments to be made from both sides: claimant and defendant.

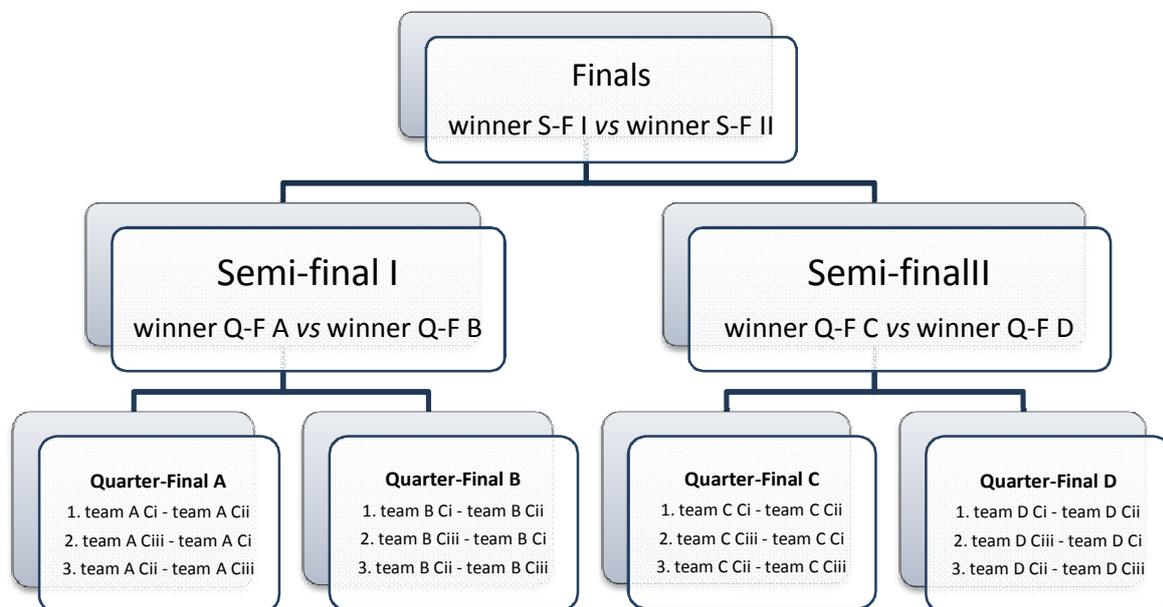
## 4. Future plans

After the first Hugo Moot, we, as organising committee, had a meeting to discuss the further development of the Hugo Moot. The first future plan is to extend the number of participant. The second is to professionalise the organising committee via the appointment of a coordinating assistant. Thirdly, we will continue our efforts to promote the Hugo Moot in general and to get financial support for the organisation of the events (the finals).

### 4.1 Expanding participants from 9 to 13

To start something completely new, like the Hugo Moot in a field without a specialised international or European court that applies one set of rules directly and similarly in all states, is rather adventurous. In order to develop the Hugo Moot, our intention was to keep the number of participants limited. However, after the success of the first Hugo Moot, we feel confident enough to extent the number of participants from nine (9) to thirteen (13). To facilitate this extension of participants, the quarter finals will be adjusted as shown in figure 2 and described below.

Figure 2. HS MCC-scheme



Per quarter final there will be three teams competing against each other. Furthermore, the quarter finals will exist of three rounds. What remains similar is that the winner of the quarter-finals qualifies for the semi-finals. The selection of the teams for the quarter-finals will initially be based on the written statements. More particularly, the written statements will be ranked in three categories

based on the points scored: i) very good; ii) good; iii) ok. This ranking is relative, meaning that the four teams that scored most of the points for their written statements rank as very good, the four teams with the lowest scores as ok, and the remaining four in the middle-category of good. Per quarter-final (A, B, C and D) a team from each of the groups is drawn, which will be done during the cultural evening. The thirteenth participant, the Law-host country, participates in the competition of judges.

## 4.2 Coordinating Assistant Organising Committee

To improve the professionalism of the organisation of the HS MCC we have decided to appoint a Coordinating Assistant to the Organising Committee. The Coordinating Assistant will support the



Organising Committee with all administrative and organisational matters. In general the Coordinating Assistant will be a PhD-student from one of the members of the Organising Committee and will be appointed for three (3) years. We are very pleased to announce that the first Coordinating Assistant is **Bettina Kiss** - this year's member of the Hungarian team and per September 2016 PhD-student at Karoli Gaspar University.

## 4.3 Promotion and funding of the HS MCC

### 4.3.1 Website

In order to promote the existence of the Hugo Moot we have started with the following actions. We have created our own page at the website of the Hugo Sinzheimer Institute at the University of Amsterdam: [hsi.uva.nl/en/hs-mcc/](http://hsi.uva.nl/en/hs-mcc/). Here we have published the formal documents of the HS MCC, especially the Statute and the Rules of the HS MCC. Furthermore, the case of this year's Hugo Moot is published, as will those of the following years. Importantly, it includes also an overview supporters of the Hugo Moot.



### 4.3.2 Video

We have made a compilation video of the first Hugo Moot event in Amsterdam. It is available on YouTube and will also be linked to the website. Please press the Ctrl-button on your key-board and click on the image to see the video.



If that doesn't work copy-paste this in your browser: <https://www.youtube.com/watch?v=Te84nn17Msc>

### 4.3.3 Newsletter



As indicated in the welcome word of this Newsletter, the purpose is to inform supporters of the Hugo Moot, as well as interested colleagues and potential participants about the activities and developments of the HS MCC. We hope that this first issue will be followed by many more.

### 4.3.4 Funding

The first Hugo Moot event has been financially supported by the Event-host country, The Netherlands, more particularly, the Hugo Sinzheimer Institute and the University of Amsterdam. For the second event, the local organisers of the University of Aarhus (Denmark) have applied for external funding. Fingers crossed the application will be rewarded. The long term aim would be to find continuous funding to cover the costs for the events, which includes accommodation and travel expenses of the jury-judges, catering, dinners and location for the event, etc.. Suggestions are welcome.



## 5. Quotes

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### **Erica Maida (participant Italian team)**

*"It is an amazing opportunity to get in touch with students from different countries and to really experience what going through a trial means! It was a great chance for us, as students, to have such a closeup on how being a lawyer (or trying to!) feels like."*

### **AisteButvilaite (participant Lituanian team)**

*"It is a chance of a lifetime!"*

### **Wojtek Kuzmienko (participant Polish team)**

*"The Hugo Moot was a truly unforgettable experience! Being a judge was on the one hand difficult and challenging, but on the other hand, I found it very interesting to revisit the idea of a moot court from a brand new perspective. Even though the case was very demanding and required a lot of time and intense thinking to figure it out and get prepared for any scenario that could happen in the courtroom. I gained better knowledge and understanding of European labour law; I met some great people; and I visited a splendid city! How can anyone not want to be part of such an experience?"*

### **Daniella Elkan and Morten Eisensee (coaches Danish team - lawyers at Kammeradvokaten)**

*"The reason for us to coach the students from the Danish team is actually very easy. It is a great opportunity for us as practitioners to inspire and help the students. Also to show them how to use European labour law in practice, which this moot court is about."*

### **Monika Smusz-Kulesza (member Case Committee and HS MCC judge - Ass.-Prof. Univeristy of Lodz)**

*"For me first edition of the HS MCC was the chance to meet a lot of ambitious and talented young people who wanted to engage in a very demanding task and dealt with it very well. It was pure pleasure to see and hear the students giving oral pleadings and observe how they improve from quarter-final up to the final. What was the most rewarding, however, was to see the students involving in the task so much you just feel you did something which was worth the greatest effort."*

### **Monika Domańska (member Case Committee and HS MCC judge - Ass.-Prof. Institute of Legal Studies, Poland)**

*"When I was invited to be a member of the Case Committee I didn't have to think twice. The high professionalism of the Advisory Board and the Organising Committee was a guarantee for me that the Hugo Moot would be an excellent intellectual challenge for every participant in this event."*

### **Zakaria Shvelidze (member Organising Committee - lawyer at Gvinadze & Partners LLC)**

*"I have been captured by the idea of an international Labour Law Moot Court Competition perhaps already since 2010. Only after attending the ILERA World Congress in Philadelphia (2012) and when meeting with like-minded colleagues, I became convinced that there could be a possibility for my dream to come true. The complexity of international and European labour law and the diversity of legal systems in approaching labour law issues motivated me and my colleagues (and friends) to design a roadmap for a new learning opportunity that would enable students and practitioners in labour law to share their knowledge and experience."*

### **Mia Rönmar (member advisory board - Dean, Prof. in Private Law, Lund University)**

*"Today, EU and comparative perspectives are vital for the understanding of the content and development of labour law. The Hugo Sinzheimer Moot Court Competition stimulates an interest in such important perspectives, and brings students from different countries together and creates networks for the future."*

### **Manfred Weiss (member advisory board - Prof. em. Goethe University Frankfurt)**

*"I strongly support the Hugo Sinzheimer Moot Court Competition because I find it a brilliant idea to bring students from different European countries together and show them the importance of European Labour Law for their respective countries"*

## ***6. Colofon***

More information: [hsi.uva.nl/en/hs-mcc/](http://hsi.uva.nl/en/hs-mcc/)

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