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# Rules of the Mediation Program National Rounds 2021

30<sup>th</sup> March 2021

## 1. ABOUT THE COMPETITION

### 1.1 OFFICIAL LANGUAGE

- The official and only language of the Competition is English.

### 1.2 THEME OF THE COMPETITION

- The competition will see teams negotiating a variety of issues relating to technology, commercial and contractual deal making.

### 1.3 PARTICIPATING UNIVERSITIES

- Full-time students (excluding postgraduate doctorate students) registered at a university within the academic period of 2021-2022 may apply to the competition.
- Upon the closure of the Application period, the applicants will be referred to the contact person nominated by each university; He or she must then choose four students out of the Applicants who will represent the respective university at the Mediation Program.
- Each university may nominate only one Team, consisting of at least three students and a maximum of four Eligible Students;
- Each university can choose at its own discretion which students to select to be part of the Team that is going to represent it, as long as the selected students are all Eligible Students according to Rule 1.4
- Where the number of applicants from a university is in multiples of four The Moot Court Bench at its discretion may allow two Teams from such Universities to enter The Moot Court Bench mediation program.
- Only a Law Student may take the role of Counsel. Accordingly, at least one member of each Team must be a Law Student.
- Cross University Teams are not allowed.

### 1.4 ELIGIBILITY

Eligible Students must meet the following criteria:

- The Competition is open to full-time students (excluding postgraduate doctorate students) registered at a university within the academic period of 2021-2022.
- The Competition is open to students who do not yet have full-time work experience (except internships) in law, business or otherwise.
- Team members do not have to be of the same nationality as that of their universities.

- d) The Team should not have students who have taken part in previous ICC Mediation Competitions.

Special provision for Law Students:

Students who are entitled to practice law, by having passed a bar exam or otherwise, are as a matter of principle, NOT Eligible Students. Students who have gained their qualification to practice law automatically with the completion of their undergraduate law studies (i.e. without a further bar exam or similar) and who certify that they have not yet practiced as a lawyer (i.e. provided legal advice or services to clients) are Eligible Students provided they are currently registered in a full-time study programme in accordance with Rule 1.4.

Any Team or Team Member that breaches Rule 1.4 will be disqualified from the Competition. If only one member of the Team breaches Rule 1.4, it is at the discretion of the Moot Court Bench to disqualify the whole Team or only that member. If, as a result of disqualification of one Team Member, the Team has fewer than two students, the whole Team will be disqualified.

## 1.5 REGISTRATION PROCESS

- a) There is no registration fee for the national rounds.
- b) Registrations open on 4 March 2021 and close on 12 March 2021.
- c) Interested students may fill out the application form by way of a google form. The link of the google form will be available on the 04<sup>th</sup> of March 2021, 00:01h (GMT +5.30) on our website.
- d) When filling out the google form, each applicant will be required to attach their CV which includes a photograph, along with a 2-minute video clip explaining why they are interested in taking part in the program, and a short bio not exceeding 100 words.
- e) By applying for the competition, the Applicants shall be deemed to have accepted the rules, terms and conditions as stated in this document.

## 1.6 TRAINING

- a) A 10 - day training will commence on 15 March 2021 which will be mandatory for all Teams.
- b) A team must have 80% attendance in the training program to take part in the National Rounds.
- c) Participants must keep their videos on at all times during the training.

## 1.7 STRUCTURE AND FORMAT

## Mediation National Rounds 2021

- a) The competition shall consist of 3 preliminary rounds, semifinal and the final. The preliminary rounds will take place on 9 April 2021 (Day one) and 10 April 2021 (Day two). The semifinal and the final will be held on 11 April 2021 (Day three).
- b) All Teams shall compete in the preliminary rounds.
- c) The Teams will be divided into two (2) groups.
- d) Each group shall be assigned to a panel of four individual assessors. By the end of the preliminary rounds, the assessors of the allotted panel would have assessed every team of their group, at least once.
- e) The allocation of groups and the matchups would be based on draws of lots, carried out by the Moot Court Bench.
- f) At the end of the three preliminary rounds, the top two teams from each group would qualify for the semifinal round.
- g) Semifinal and the final shall be knockout rounds.
- h) No Team shall face the same Team twice in the preliminary rounds.
- i) Assessors - There will be two assessors for each preliminary round and three assessors for the final round.
- j) Participating team - Each participating team shall consist of one student as "Client" and one as "Counsel".
- k) The Team members must take turns in becoming the client and the counsel. A student cannot compete in the same role twice in the preliminary rounds (only applicable to four member teams).

Example: There are 4 teams that form one group. There are 4 individual assessors (A,B,C,D) that are allotted to that group (Group 1). This is how the structure would look like with regards to the preliminary rounds for the four assessors in Group 1.

Day 1 - morning session

Assessor A & B - Team 1 v Team 2

Assessor C & D - Team 3 v Team 4

Day 1 - evening session

Assessor A & B - Team 1 v Team 3

Assessor C & D - Team 2 v Team 4

Day 2 - morning session

Assessor C & B - Team 1 v Team 4

Assessor A & D - Team 2 v Team 3

## Mediation National Rounds 2021

This format will be followed for two groups. The above is an example of how things will be done with regards to Group 1.

## 2. The National Rounds

### 2.1 DURATIONS OF THE COMPETITION ROUNDS

#### Duration of Preliminary Rounds

Total Time	120 mins
Audio - Check	15 mins
Negotiation Session	75 mins
Scoring Time	10 mins
Assessors Feedback	20 mins

#### Duration of Semifinals and Final Rounds

Total Time	180 mins (Semi)   120 mins (Final)
Preparation Time	45 mins (Semi)
Audio - Check	15 mins
Negotiation Session	90 mins
Scoring Time	15 mins
Assessors Feedback	20 mins

### 2.2 ASSESSMENT CRITERIA

The Judging Criteria are applied to the performance of both the Counsel and Client in the Competing Team and are set out in the Score Sheet annexed to the Competition Rules. There is no requirement to reach a resolution or a settlement or reward for this.

### 2.3 ASSESSORS

The Moot Court Bench shall be responsible for choosing and pairing the assessors and allocating them to the different competition rounds. The Moot Court Bench shall ensure that the assessors are independent, and impartial towards the teams they are assessing.

All assessors will be internationally practicing accredited mediators and lawyers.

## 2.4 TIMEKEEPING

Responsibility for timekeeping rests with the Mediation Session Supervisor during the Mediation Sessions. The supervisor will be an independent party appointed by The Moot Court Bench with no ties to the Teams. The Mediation Session Supervisor's decision on timekeeping is final. If no Mediation Session Supervisor is available for a session, the Judges are in charge of timekeeping.

## 2.5 GOVERNING LAW

The Problems may refer to real or fictional places. However - and unless a Problem explicitly indicates otherwise - for purposes of the Competition, it is assumed that there is no governing law and that the jurisdiction applies general principles of uniform international commercial law.

## 2.6 FEEDBACK

- a) Each assessor shall provide feedback to the competing negotiation teams. The assessors shall have a maximum of 30 minutes for his/her entire assessment. The feedback shall be based on the performance of the team in the negotiation session.
- b) If an assessor decides to impose a penalty upon a competing team, he or she should inform the competing team concerned about the same and explain the reasons to them. The decision of the assessor is final. The assessor should, however, explicitly indicate the rule violated.
- c) The assessor shall not reveal to any team the results of their individual performance and the team's overall score. During the feedback, assessors may refer to the Confidential Information.
- d) The score sheet shall be sent to the Moot Court Bench before the feedback session begins. The feedback of the assessor shall in no way affect the scores of the teams.

## 2.7 PERMITTED MATERIAL DURING THE MEDIATION SESSION

- a) For the negotiation session, each competing team can refer to its prepared notes. The team must use a laptop to connect to the negotiation session. You may use any mode of communication to communicate with your teammate during the preparation time. Use of the internet is allowed during the preparation time.

- b) Use of other devices such as tablets, mobile phones etc. are not allowed for the purposes of connecting to the session. Each team can also bring and use a calculator and a watch (stopwatch, timer, etc.).
- c) Use of other electronic devices such as mobile phones, smart watches, tablets, etc. during the negotiation session shall not be permitted. There can be no presentation of props or research work via the laptop.

## 2.8 PROHIBITED ASSISTANCE

- a) No person shall give advice, assistance or instructions to, or communicate or attempt to communicate, with any of the participants from the competing teams during the mediation session.
- b) The Zoom link CANNOT be shared with anyone outside of the negotiation team. Violation of these rules, regardless of the extent of the communication or who began the communication, shall result in disqualification of the whole team from the competition.

## 2.9 COMMUNICATION BETWEEN PARTICIPANTS

- a) The competition seeks to foster intellectual and professional networking among peers and experts, therefore exchange and dialogue between participants, volunteers and expert assessors, outside the Negotiation Session is permitted and strongly encouraged.
- b) The confidential information shall be given to the participants 24 hours prior to the preliminary rounds.
- c) The confidential information for semifinal and final shall be given to the participants 60 mins prior to the round commencement. The prep time between both the members of the negotiating team will be offline. You may use any mode of communication to communicate with your teammate during the preparation time. Use of the internet is allowed during the preparation time.
- d) The confidential information for the final round shall be given to the participants 12 hours prior to the round.
- e) During the negotiation session, communication between teammates shall be permitted only through private chat. There can be no use of the internet for any other purpose apart from conducting the zoom call.

## 2.10 RANKING OF TEAMS AFTER PRELIMINARY ROUNDS

Based on the team overall score, the top two teams from each group will qualify for the knock-out round.



In the case there is a tie in the preliminary rounds, the team that has scored the highest in a single round will be qualified for the semifinal.

In the case there is a tie in the semifinal, the preliminary round scores will be added to the semifinal scores and the team with the highest total will qualify for the final.

## 2.11 NETWORK ISSUES

All participants must have an internet connection adequate to smoothly run zoom. In case of a team member not being present at the allotted time due to bad connectivity will result in the assessors scoring the entire team based on the performance of the remaining team member. In the case of both the team members being absent due to network issues, the assessors will provide scores for the time period the team performed without any connection issues. We highly recommended that you have an internet connection with a minimum of 20 MBPS.

## 3. ABOUT THE COMPETITION PROBLEM

### 3.1 COMPETITION PROBLEMS

- a) The problem shall consist of (1) General Information for all parties, and (2) the Confidential Information for each of the requesting party and the responding party, respectively.
- b) General Information of problems will be announced online by the 29<sup>th</sup> March 2021.
- c) Teams, assessors and members of the OC and anyone else who is privy to the Confidential Information shall not disclose it to others.

### 3.2 CLARIFICATIONS OF THE COMPETITION PROBLEMS

- a) All efforts shall be made to ensure that the Competition Problems are drafted without any errors. Requests for clarifications regarding the problem or its interpretation shall be made on or before the 4<sup>th</sup> April 2021. Any such request shall be made via email to [themootcourtbench@gmail.com](mailto:themootcourtbench@gmail.com).
- b) It is at the discretion of the Moot Court Bench to provide clarifications to all or some.
- c) The Moot Court Bench shall address all the clarifications via email by the 7<sup>th</sup> April 2021.

### 3.3 COPYRIGHTS OF THE COMPETITION PROBLEMS

- a) The cases used for training purposes and the preliminary, semi-final, and final rounds of the Sri Lanka Mediation Nationals have been especially prepared by ICC and Lex Infinitum. Permission has been granted to The Moot Court Bench to reproduce them for its 2021 Mediation Training Program, and 2021 Sri Lanka Mediation Nationals. The work may not be used for any other purpose. No part of this work may be reproduced or copied in any form or by any means, or translated, without the prior permission in writing of the author or relevant governing body.

## DISQUALIFICATION

### 4.1 PENALTIES AND DISQUALIFICATION

- a) If a violation of the Rules is believed to have been committed by a team or one of its members, the Moot Court Bench may in its own absolute discretion, upon its own initiative or complaint from another team or assessor, impose a penalty or disqualify the whole team.
- b) Any other disqualification criteria mentioned in the rules above.

## 4. AWARDS AND PRIZES

### 5.1 AWARDS AND PRIZES

The Moot Court Bench shall make arrangements for appropriate recognition of Teams that achieve 1st Place, 2nd Place, and 3rd Place in the Competition. The Moot Court Bench shall also award the following Special Awards for the Teams obtaining the highest number of points in the Special Awards Score Sheets during the Preliminary Rounds in the following categories:

- Distinction in the Opening Statement
- Distinction in Mediation Advocacy
- Distinction in Team Work between Counsel and Client
- Distinction in Creative Solution Generation
- Distinction in Relationship Building with the Other Team

Special Awards may be awarded only to Teams that are not proceeding to the Final Rounds. Each Team may be awarded a maximum of two Special Award.

Furthermore, after the Competition, the Moot Court Bench will issue a formal Certificate of Participation in the Competition (except in the case of disqualification) to all Team members.

### 5.2 THE MOOT COURT BENCH'S POWER TO TAKE ADDITIONAL MEASURES

The Moot Court Bench may take other measures as are required for the orderly conduct of the Competition.

## 6. MISCELLANEOUS

### 6.1 INTERPRETATION OF THE RULES

In the event any ambiguity is to arise in the interpretation of these rules, the interpretation of the said rule/s by the Moot Court Bench shall be final and conclusive. In the Interpretation of the rules, regard is to be given to the purpose and intent of the Moot Court Bench Mediation Programmes.

### 6.2 AMENDMENT OF RULES

The Moot Court Bench may amend these rules without prior notice and shall make such amended rules available to the public within 2 days of such amendment on the Moot Court Bench website. The amendments shall take effect upon being made accessible on the website.

### 6.3 COVID - 19

In light with the developments following the COVID-19 pandemic, the structure of the program and schedule may be subject to change without prior notice or warning. The safety and wellbeing of the program's participants will be treated as priority.

6.4 Any and all content, documents and audio/visual recordings created or produced for, or during the course of, the MCB Program would become the exclusive property of the Moot Court Bench.