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THE MOOT COURT BENCH

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THE MOOT COURT BENCH INTERNATIONAL  
COMMERCIAL MEDIATION PROGRAM

RULES

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## **1 INTRODUCTION**

### **1.1 OFFICIAL LANGUAGE**

The official and only language of the Program is English

### **1.2 AIM OF THE PROGRAM**

The Program aims to expand and enhance the pool of trained mediators, advocates and negotiators by developing the skills of law and business students through a holistic training program followed by simulated mediations of real-world disputes in the form of a National Competition.

### **1.3 ORGANIZATION OF THE PROGRAM**

- 1.3.1 The Moot Court Bench will administer the Program according to the Rules. It holds the final authority to implement these Rules, as well as any additional measures for the execution of the Program.
- 1.3.2 Any and all content, including all the Problems used in the Program, any documents and audio/visual recordings created or produced for, or during the course of the Program, are or will become the exclusive property of the Moot Court Bench, without whose express written consent these may not be used for any purpose outside the Program.

### **1.4 PLACE AND DATE OF THE PROGRAM**

- 1.4.1 Owing to the COVID-19 pandemic and its related risks, the Training Program and the Competition will take place virtually on Zoom.
- 1.4.2 Details of all events and activities related to the Competition can be found in the schedule available on the Official [Website](#).

## **2 PARTICIPATION AND ELIGIBILITY**

### **2.1 PARTICIPATION**

- 2.1.1 Each university may nominate a minimum of four and a maximum of six Eligible Students.
- 2.1.2 The Moot Court Bench at its discretion may divide a university's application to form two Teams to enter the Program.
- 2.1.3 Only a Law Student may take the role of Counsel. Accordingly, at least one member of each Team must be a Law Student.
- 2.1.4 Cross University Teams are not allowed.

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## 2.2 ELIGIBILITY

2.2.1 Eligible Students must meet the following criteria:

2.2.1. The Program is open to full-time students (excluding postgraduate doctorate students) registered at a university within the academic period of 2022-2023.

2.2.2. The Program is open to students who do not yet have full-time work experience (except internships) in law, business or otherwise.

2.2.3. Team members do not have to be of the same nationality as that of their universities.

2.2.4. The Team should not have students who have taken part in previous ICC Mediation Competitions.

2.2.2 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 2.2.1.

2.2.3 Special Provision for Non-Eligible Students

Students who do not satisfy the Eligibility criteria in 2.2 may be admissible to take part in the ICM Training Program and Preliminary Rounds of the Competition but will not advance to the Knockout Rounds.

## 2.3 BREACH OF ELIGIBILITY CRITERIA

A team that wholly breaches the eligibility criteria will be disqualified from the Competition. If only one member is in breach of the criteria, the decision of disqualification of the entire team or the particular member will be at the discretion of the Moot Court Bench. If the disqualification of the said member will result in the team having only three members, the entire team will be disqualified.

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### **3 PROCEDURE OF APPLICATION**

- 3.1** There is no Registration fee for the ICM Program.
- 3.2** Registrations open on 18 April 2022 and close on 9 May 2022
- 3.3** Interested students may fill out the application form by way of a Google Form. The link of the Google Form will be available on 18 April 2022, 00:01h (GMT +5.30) on the Moot Court Bench website.
- 3.4** 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 biography not exceeding 100 words.
- 3.5** By applying for the Program, the Applicants shall be deemed to have accepted the Rules, terms and conditions as stated in this document and any subsequent amendments as may be made at the discretion of the Moot Court Bench (see Rule 12.2).

### **4 PROGRAM FORMAT**

#### **4.1 PHASE ONE: TRAINING**

- 4.1.1 **STRUCTURE:** A 24-hour training will commence on 6 June 2022 which will be mandatory for all Teams.
- 4.1.2 **SYLLABUS:** The training will include a comprehensive introduction to International Commercial Mediation and develop necessary skills in Mediation and Mediation Advocacy.
- 4.1.3 **ATTENDANCE:** It is mandatory upon every participant to attend a minimum of 80% of the classes to successfully complete the Program and then be eligible to be selected to compete in Phase Two of the Program. If any student is unable to attend a class, a reasonable and valid excuse must be given to the Organizing Committee at least three days in advance.
- 4.1.4 **ASSESSMENTS**
  - 4.1.4.1 In order to successfully conclude Phase One of the Program, participants will have to complete a Written Assessment and an Oral Assessment at the end of the training. Further instructions and guidelines will be provided to selected participants following their successful admittance to the Program.

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- 4.1.4.2 Each member must achieve a pass mark of 40% in the Oral and Written Assessments to successfully complete the Training Program.

## **4.2 PHASE TWO: COMPETITION**

### 4.2.1 GENERAL PROCEDURES

- 4.2.1.1 The Competition will consist of three Preliminary Rounds and two Knockout Rounds (The Semi-Final Round and the Final Round).
- 4.2.1.2 A Round will consist of a match between two Teams, and each team will represent a Client, Counsel and Mediator. The two pairs of members for Negotiation will represent the Requesting Party and the Responding Party, and two members for Mediation will co-mediate the Round. Two Expert Assessors will assess the Teams.

### 4.2.2 QUALIFYING FOR THE COMPETITION

- 4.2.2.1 The four highest-scoring members of the Training Program from each Team will qualify to participate at the National Competition.
- 4.2.2.2 In case there is a tie between two members of the same Team, the member with the higher scores in the Oral Assessments will qualify for the National Competition.
- 4.2.2.3 In case there is a further tie in the scores of the Oral Assessments between two members of the same Team, the member with the highest scores in the Written Assessments will qualify for the National Competition.

### 4.2.3 THE PROBLEMS

- 4.2.3.1 The Competition will involve hypothetical disputes, each consisting of General Information available to all Teams, and Confidential Information available only to the members for Negotiation playing the Requesting or Responding Party.
- 4.2.3.2 Each team must nominate a Client, Counsel and Mediator for each Preliminary Round and communicate these nominations to the Organizing Committee before the 23 June 2022.

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- 4.2.3.3 The General Information for all Rounds will be made available to the participants at least two weeks prior to the Competition.
  - 4.2.3.4 The student mediators will only receive the General Information of each Round and not the Confidential Information.
- 4.2.4 CONFIDENTIAL INFORMATION FOR REQUESTING/RESPONDING PARTY
- 4.2.4.1 The Confidential Information for the Preliminary Rounds will be made available after each team has nominated the members for each role in compliance with Rule 4.2.3 (b).
  - 4.2.4.2 The Confidential Information for the Semi-Final Round will be made available 3 hours prior to the start of the Round.
  - 4.2.4.3 The Confidential Information for the Final Round will be made available 12 hours prior to the start of the Round.
  - 4.2.4.4 Only the assigned Mentors are permitted to interact with their Team during the preparation time for the Preliminary and Knockout Rounds subsequent to the distribution of Confidential Information for each respective Round.
  - 4.2.4.5 Sharing the Confidential Information with any individual outside the Team, the assigned Mentor, and the nominated Mediator for that Round before or during a Session is **strictly prohibited**. Any breach of this Rule will lead to immediate disqualification from the Competition.
  - 4.2.4.6 No additional facts may be introduced into the Round unless they are a logical and necessary extension of the given facts or are publicly available true facts..
- 4.2.5 QUALIFYING FOR THE SEMI-FINAL ROUND
- 4.2.5.1 The four Teams with the highest scores in the Preliminary Rounds for Negotiation will advance to the Semi-Final Round as Negotiator Teams.
  - 4.2.5.2 The four Teams with the highest scores in the Preliminary Rounds for Mediation will advance to the Semi-Final Round as Mediator Teams.
  - 4.2.5.3 In the case there is a tie in the Preliminary Rounds, the team that has scored the highest in a single Preliminary Round (irrespective

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of which Preliminary Round) will be qualified for the Semi-Final Round.

4.2.5.4 In the Semi-Finals, the Teams will be paired according to their ranking at the end of the Preliminary Rounds (top rank against lowest rank and so on).

#### 4.2.6 QUALIFYING FOR THE FINAL ROUND: NEGOTIATION

4.2.6.1 The two winning Teams for Negotiation of the Semi-Final Round will advance to the Final Round.

4.2.6.2 In the case there is a tie in the Semi-Final, the Preliminary Round scores will be added to the Semi-Final scores and the Team with the highest total for Negotiation will qualify for the Final Round.

4.2.6.3 The Team with the highest scores in Negotiation will be the winning Team for Negotiation of the Competition.

#### 4.2.7 QUALIFYING FOR THE FINAL ROUND: MEDIATION

4.2.7.1 The two winning Teams for Mediation of the Semi-Final Round will advance to the Final Round.

4.2.7.2 In the case there is a tie in the Semi-Final, the Preliminary Round scores will be added to the Semi-Final scores and the Team with the highest total for Mediation will qualify for the Final Round.

4.2.7.3 The Team with the highest scores in Mediation will be the winning Team for Mediation of the Competition.

## 5 THE COMPETITION ROUNDS

### 5.1 ACTING TEAM MEMBERS

5.1.1 In advance of the Competition, the Organising Committee will randomly assign Teams for the Preliminary Rounds (as Requesting/Responding Party and Mediator). Every attempt will be made so that no two Teams will compete against each other more than once during the Preliminary Rounds.

5.1.2 A Team can appoint any two students, at its discretion, to play the role of Client and Counsel respectively for either the Requesting or Responding Party, as assigned for each Round. The role of Counsel must always be taken by a Law Student.

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5.1.3 A team can appoint any student, at its discretion, to play the role of Mediator for each Round.

## 5.2 DURATION OF THE ROUNDS

Total Time	135 mins
Audio - Check	15 mins
Negotiation Session	90 mins
Scoring Time	10 mins
Assessors' Feedback	20 mins

## 5.3 BREAK

Each Negotiator Team may request a break from the session for a duration of 3 minutes. Failing to adhere to this time limit will result in a penalty of the scores of the Negotiator Team in breach.

## 5.4 CAUCUS

5.4.1 Both the Mediators and Negotiators may call for one caucus or cross caucus each during a Mediation session. Each caucus may last a maximum of five minutes.

5.4.2 During the caucus, the competing Negotiator Team will be sent to a separate breakout room.

## 5.5 TIMEKEEPING

The Session Supervisors of the Mediation Round will be the official timekeepers. They will be appointed by the Organizing Committee and have no connection with the Negotiator Team or the Student Mediators. They will notify the participants and the Expert Assessors of the time limits of the session and the caucuses. If there is no Session Supervisor available for a Round, the Expert Assessors will be the timekeepers. The decisions on timekeeping are Final.



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## 5.6 HANDOUT

Teams may present during each Mediation one handout only, limited to one A4 sheet of paper (one-sided), which can include any kind of content (pictures, diagrams, graphic representations, drawings, text or other). Copies of this handout shall be given to the other Negotiator Team, the Mediator and the Assessors when first produced by a Team.

## 5.7 ASSESSMENT CRITERIA

The assessment criteria applied to the Negotiator Teams (both Client and Counsel's performance) and the Mediator role respectively can be found in the Score Sheets (See Annex I).

## 6 OUTSIDE MATERIALS

### 6.1 OBSERVING

- 6.1.1 Members and the assigned Mentor of the same team are allowed to observe the performances of **their own Team** during all Rounds.
- 6.1.2 Participants are permitted and encouraged to observe the performances of the other Teams during the Knockout Rounds.
- 6.1.3 Expert Assessors may observe a mediation session during any Round. If they wish to do so, they must inform the Organizing Committee at least 30 minutes prior to the Round.
- 6.1.4 The Final Round of the Competition will live-streamed to the public via the Moot Court Bench YouTube channel.
- 6.1.5 All observers, including Team members and Mentors must not conduct themselves in a manner so as to distract the Participants during the Round by any means and must have their videos and microphones switched off at all times, to avoid any disturbances to the Round.

### 6.2 ASSISTANCE DURING A SESSION

- 6.2.1 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.
- 6.2.2 The Zoom link **cannot** be shared with anyone outside competing Teams and their Mentors. Violation of these Rules, regardless of the extent of the

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communication or who began the communication, shall result in disqualification of the whole team from the Competition.

## **7 SCORING AND AWARDS**

### **7.1 EXPERT ASSESSORS**

- 7.1.1 The Organizing Committee, in consultation with its Advisory Panel, will select Expert Assessors who will assess the performance of the participants. All Assessors will be internationally practicing accredited mediators.
- 7.1.2 b) Each Preliminary Round will be assessed by a panel of two Expert Assessors, but in exceptional cases, three. The Semi-Final Round will be assessed by a panel of three Expert Assessors and three to five Expert Assessors will be assigned to assess the two Negotiator Teams and two Mediator Teams in the Final.
- 7.1.3 c) The participants are not allowed to communicate, either directly or indirectly, with any Expert Assessor during the Competition, except when feedback is provided at the end of a Round.

### **7.2 SCORING**

The Expert Assessors will receive 15 minutes to score the Negotiator Teams and the Mediators after every Round, based on separate Score Sheets for the two roles.

### **7.3 FEEDBACK**

- 7.3.1 After submitting the scores online, the Expert Assessors will receive 15 minutes to provide feedback to all participants in the Round. The Expert Assessors will provide feedback to the Student Mediators and Negotiator Teams at the end of each session, based on the criteria in the Score Sheets. This feedback will not include the scores awarded nor reveal who won the Round.
- 7.3.2 b) The Teams can request information from the Organizing Committee about their scores of each Round and ranking 3 weeks after the Final Round.

## **8 PRIZES AND AWARDS**

The Expert Assessors will separately score points on a Special Awards score sheet for a Special Award during the Preliminary Rounds. These recommendations will not be

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revealed to any participant. For the purposes of Rules 8.1 and Rule 8.2, a Prize or Award entails a certificate given in recognition of an achievement.

## **8.1 PRIZES**

### 8.1.1 PRELIMINARY ROUNDS

#### 8.1.1.1 NEGOTIATION

- Distinction in the Opening Statement
- Distinction in Mediation Advocacy
- Distinction in Teamwork between Counsel and Client
- Distinction in Creative Solution Generation
- Distinction in Relationship Building

#### 8.1.1.2 MEDIATION

- Best Contribution of the Opening Statement to the Mediation
- Best Mediation Management

### 8.1.2 KNOCKOUT ROUNDS

- 1st Prize Negotiation (Winning Negotiator Team in the Final Round)
- 2nd Prize Negotiation (Runners-up Negotiator Team in the Final Round)
- 1st Prize Mediation (Winning Mediator of the Semi-Final Rounds)

8.1.3 All Prizes will be awarded to the entire Team.

## **8.2 CERTIFICATES**

Each Negotiator Team member and Mediator team member will receive certificates of accomplishment should they win a Prize and/or receive an Achievement Award. All participating students will receive a certificate of participation. This is excepting the case of disqualification. The Organizing Committee cannot issue additional certificates.

## **9 VIRTUAL ROUND GUIDELINES**

**9.1** The Preliminary, Semi-Final and Final Rounds will take place on the Zoom platform.

**9.2** A technical orientation on using Zoom for the Competition will be held prior to the Competition. Participation in the orientation is compulsory for all selected Teams.

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- 9.3** Each individual including any observers must rename themselves upon entering the breakout room (eg: Mr. Silva - Assessor, Ms. Sam - Observer). The participants must rename themselves with their Team Number, Role and Party. (eg: T03\_Counsel\_Req Party).
- 9.4** Teams are requested to join the online room 30 minutes prior to the commencement of the Round to begin to test their audio and video quality to ensure that the Round progresses smoothly without interruption.
- 9.5** The Team members' camera and microphone should be firmly positioned throughout the Round so as to show both members and ensure their voices are clearly audible. External cameras and microphones may provide better quality audio-visual experience.
- 9.6** Each team is responsible for finding a suitable venue from which to participate. The venue must be a quiet and private location which has adequate and reliable internet activity, and should not be located in public and open spaces or hallways or similar areas.
- 9.7** Teams shall mute their microphones when not speaking and ensure there is no rustling of papers and extraneous noise during the Round.

## **10 VIOLATION OF THE RULES**

- 10.1** If any of the Rules above have been violated by a team or any of its member(s), and a complaint, whether initiated by the Organizers, or by a competing Team or an Assessor, is made, the Moot Court Bench, at their absolute discretion, can sanction a team by imposing a penalty which would result in deduction of points, or, in case of serious breaches, disqualification of the whole team. Such decisions are final and are not subject to appeal.
- 10.2** Coaches who have breached any Rule or ethics of the Competition will be prohibited from participating in the Competition in any role in the succeeding years.

## **11 PENALTIES**

- 11.1** The following malpractices will result in a penalty score of 5 points:
- 11.1.1 Any communication with an external party during the Round
  - 11.1.2 Obtaining assistance during the Round
  - 11.1.3 Creating or introducing new facts to the Problems

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11.1.4 Sharing confidential information with other teams, or the own team's assigned Mediator for that respective Round

11.1.5 Being late to a Round, without providing a valid reason in advance

11.1.6 Exceeding the time limit given for Round breaks

**11.2** Repeat violations would result in the penalty being multiplied accordingly.

## **12 MISCELLANEOUS**

Any issue or clarification pertaining to administration and organization of the Competition must be directed to the Organizing Committee via email.

### **12.1 INTERPRETATION OF THE RULES**

If there is any ambiguity in interpreting these Rules, the Moot Court Bench's interpretation of the same shall be Final and conclusive.

### **12.2 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.

### **12.3 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.

### **12.4 COMPLAINTS PROCEDURE**

If any participant believes that there has been a violation of the Rules or has a complaint pertaining to any issue concerning the Competition, they must submit a duly filled Complaint Form that will be made available upon request.

### **12.5 DISQUALIFICATION**

Withdrawal from the Program may disqualify a student's participation in future Moot Court Bench activities.

## ANNEX I: SCORESHEET - NEGOTIATION

NEGOTIATION SCORESHEET		
Team Scores: 5 = Excellent: 4 = Very Good: 3 = Good: 2 = Satisfactory: 1 = Poor		
Team X Scores	Category	Team X Scores
	<b>Opening Statement</b>	
	Presentation of the facts and if relevant legal considerations leading to the dispute	
	Communicating interests	
	Showing willingness to collaborate	
	<b>Information Gathering</b>	
	Asking relevant questions	
	Active listening skills	
	Understanding the other party's interests	
	<b>Teamwork</b>	
	Communicating effectively with each other and working together as a team	
	Effectively dividing responsibilities	
	Providing mutual backup	
	<b>Session Progression</b>	
	Building a constructive atmosphere in the session	
	Time management	
	Strategic disclosure of confidential information	
	<b>Advancing Your Interests</b>	
	Ability to assert and advance your business and other interests throughout the Mediation	
	Flexibility in adapting to the unexpected	

	Where appropriate, assertion of your BATNA	
	<b>Working Together to Develop Options</b>	
	Coming up with constructive and, if appropriate, creative options to solve the dispute	
	Spending sufficient time on developing different options	
	Reality testing developed options	
	<b>Problem Solving and Relationship Building</b>	
	Establishing a problem-solving relationship with other side, if possible	
	Recognizing other party's interests and attempting to satisfy them where helpful to your own interests	
	<b>Making Good Use of the Mediator</b>	
	Showing awareness of how the mediator can help	
	Making appropriate use of tools such as caucuses	
	Responding to mediator's interventions appropriately	
	<b>TOTAL</b>	

## ANNEX II: SCORESHEET - MEDIATION

<b>MEDIATION SCORESHEET</b>	
Team Scores: 5 = Excellent: 4 = Very Good: 3 = Good: 2 = Satisfactory: 1 = Poor	
<b>Category</b>	<b>Scores</b>
<b>Opening Statement</b>	
Conveying the importance of the process, creating a constructive atmosphere at the beginning, effective explanation of the process with special reference to the role of the mediator	
<b>Mediation Process</b>	
Patience, positivity, persistence, building of trust and rapport with the parties, maintaining an impartial and non-judgmental approach	
<b>Listening and Questioning Skills</b>	
Appropriate use of active and passive listening, effective body language, timely interventions, effective framing of questions, good use of time by summarising and asking questions where appropriate	
<b>Effective Problem-Solving Skills</b>	
Use of common and conflicting interests to the advantage of the Mediation process, assisting parties to move ahead with the relationship, contribution to an effective process and outcome; assistance in developing a problem-solving approach	
<b>Facilitating Option Generation</b>	
Assisting option generation, steps taken to keep options realistic and ethical, encouraging the parties to generate win-win options	
<b>TOTAL</b>	