



## **MWMC RULES 2023**

**24th – 30th July 2023**

**Hosted By:**

**University of Lisbon - Portugal**

**Organised by:**

**MEDIATE WISE**

### **Introduction**

1. The Mediate Wise International Mediation Competition (“The MWMC” or “the Competition”) is an annual competition of teams representing law schools throughout the world. Up to twenty-four teams may compete in the MWMC.

2. The language of The MWMC is English.

3. The MWMC is intended to create and foster an environment for students to learn and develop their skills in mediation and to appreciate how to use them both as counsel and as mediator.

4. The MWMC is a multi-faceted educational programme including both instruction and a competition through which students can demonstrate their mastery of the various skills used in mediation.

### **Organization of The MWMC**

5. The MWMC is organized by Mediate Wise. It will be held at the Universidade de Lisboa.

### **Eligibility to Participate in The MWMC**

6. Each participating organisation shall send a team consisting of three student participants and one coach to the competition. One additional student participant may accompany the team as a substitute in case a team member must drop out or is for any reason unable to participate in the competition. Each team shall include one individual who competes in the Mediator competition and two individuals who will compete in the Mediation Counsel competition. All Participants must meet the criteria set out in Rule 7.

7. Teams may be made up of student participants from universities, law schools, law firms, Inns of Court or barristers' chambers. Each participating organisation may enter only one team. All members of a team must be registered at the same school, law firm or chambers. No participant who is or has been licensed to practice law is eligible to participate except with the express permission of a Director of MWMC. Participants who are students at bar preparation institutions who are simultaneously working in a law office must request an individual determination as to their eligibility to participate in the competition. No participant who has accreditation as a mediator may compete. If there is any doubt as to what might constitute "accreditation as a mediator" then the participant must request a determination as to their eligibility to participate in the competition. Eligibility in all cases is determined as of 9th May 2023.

### **Structure of The MWMC**

8. The Competition consists of three tiers: first, a training course amounting to the equivalent of two days; second, the Counsel competition (four days), and third, the Mediator competition (three days), both running concurrently. Each team must participate in all three tiers and compete for both awards, one as Best Mediation Counsel Team and one as Best Mediator. In all sessions, students take turns being evaluated, and playing the roles of the disputing parties.

## **Venues**

9. The first event of The MWMC is the training sessions which will take place on Monday 24th & Tuesday 25th July 2023. The General rounds of the competition will take place on Wednesday 26th July, Thursday 27th July, Friday 28th July, Saturday 29th July and the Semi-Final and Final will take place on Sunday 30th July 2023. The awards will be announced on Sunday, 30th July 2023 at the closing ceremony in Lisbon, with the exact venue to be confirmed with participants.

## **RULES**

### **Registration**

10. Registration for The MWMC is open until Friday 28th April 2023. A school wishing to participate registers via email, and pays a non-refundable HK\$1,000 application fee. The MWMC organisers will allocate places in their sole discretion, but selection is based on a first come first served basis. Teams who do not receive a place may join the Wait List, and will receive a place if a confirmed team refuses its place, or having accepted its place, drops out.

11. Payment of the full Registration fee guarantees that school's place. Upon receiving notification from the organisers that it has received a place, a team shall arrange for payment of the Registration fee. Payment details of the registration fee will be sent to teams upon acceptance.

12. Registration fee. The basic registration fee for The MWMC is HK\$8,500 for a team of three students plus one coach. In remitting payment, teams must specify that ALL charges are for the sender. Any bank charges deducted from the payment received by the organisers will be collected at the beginning of the competition when the team arrives in Portugal. The transfer must also indicate the name of the organization for which the registration fee has been paid in order for the account of the participating organization to be credited.

13. A school which does not pay the fee within fifteen days of receiving confirmation of its place may be deemed to have refused its place, which will then be offered to a team from the Wait List.

14. The registration fee includes the four half days training course plus entry to the competition.

15. The registration fee of a team whose registration is withdrawn prior to 28th April 2023 will be refunded in full except for deduction of an administration fee of HK\$500 and any applicable bank charges. After 28th April 2023 no refund is possible.

## **Communications**

16. The Registration Form includes space for the name and address of one Contact Person. All communications concerning The MWMC will automatically be sent by e-mail to that person. It is the responsibility of the Contact Person to distribute timely all relevant material to the team. The names of additional recipients of messages concerning The MWMC may be submitted for inclusion on the e-mail mailing list. Any changes in the data on the registration form should be sent by e-mail to The MWMC Administration at [alix@mediatewise.com](mailto:alix@mediatewise.com). Communications between the team and The MWMC administration through anyone other than the designated Contact Person are at the risk of the team.

17. All communications in connection with The MWMC should be addressed to Alix Povey, at: [alix@mediatewise.com](mailto:alix@mediatewise.com).

## **The Problem**

18. Subject Matter. The Problems in The MWMC involve disputes arising out of an international sale of goods subject to the United Nations Convention on Contracts for the International Sale of Goods (CISG). The Parties have agreed to mediation to be held under the CEDR Model Mediation Procedure (2020).

19. The Problem consists of three parts: the General Facts, available to all participants, plus the Confidential Facts for the Applicant and the Confidential Facts for the Respondent. The General Facts of the Problem will be available no later than Tuesday 13th June 2023. The Confidential Facts will be available to the participants just prior to the start of each Mediation Session.

20. Clarifications. Requests for clarification of the Problem should be sent to: [alix@mediatewise.com](mailto:alix@mediatewise.com) prior to midnight (2400) HK time on Tuesday 27th June 2023. Requests for clarification should include a short explanation of the expected significance of the clarification. Any request that does not contain such an explanation may be ignored.

21. Clarifications issued by MWMC will be available to all registered teams by 30th June 2023.

### **Structure of the Competition**

22. General Rounds. Each team will compete four times in the general rounds, twice as Applicant and twice as Respondent in the role of counsel and three times as a Mediator. In each mediation session, two members of one team will act as Client-Counsel team for the Applicant (initiator of the mediation process) and two members of another team will act as Client-Counsel team for the Respondent. On the first day of the general rounds competition a professional mediator will mediate the sessions and on the following days a student from a third team will act as Mediator. In the final round, a professional mediator will mediate the two top client-counsel teams.

23. Duration of Each Mediation Session: Each round will run for a total of one hundred and fifty minutes, one hundred and twenty minutes for the mediation session itself, 10 minutes for scoring and 20 minutes for feedback.

24. Caucuses. A Caucus is a brief private meeting between the Mediator and one of the Client-Counsel teams. During each Mediation Session the Mediator or either of the the Competing Teams have the right to call for one or more caucuses. Each caucus may last no longer than five minutes. All members of the competing team not party to the Caucus must leave the room for the duration of the Caucus.

25. Exhibits. No exhibits may be used during the Sessions that do not come directly from the Problem. Exhibits designed to clarify time sequences or other such matters may be used only if the Mediator and the opposing team agree. For technical reasons the exhibits may not consist of overhead or Power Point projections or require the use of a stand.

26. Assistance. Throughout each Mediation Session, no communication with their coach or other members of the team who may be present at the Session is permitted. Teams may only

discuss with their coaches during the preparation time, after having received their confidential information.

27. Recording of sessions. Recording of both the training and Mediation Sessions, whether audio or video, is not permitted.

## **Mediation Sessions**

28. General Rounds. Each Team will compete as Applicant Client-Counsel team, Respondent Client-Counsel team and Mediator in the General Rounds. The MWMC organisers will assign the Teams and Mediators to their Sessions and assign the roles as Applicant and Respondent.

29. Semi Final. After the General Rounds, the scores of each team's oral presentations in the sessions will be totaled. The four top scoring teams in the General Rounds will compete in the Semi-final Rounds on Sunday 30th July 2023, starting at 9:00am.

30. Final. The two winners of the Semi-final Round will meet in the Final Round on Sunday 30th July 2023 starting at 2:00pm.

## **Awards**

31. The awards of The MWMC are:

- The Colin J Wall Award for Best Mediator
- The Best Counsel Award
- The Best Team Award (the University team who works best overall in trying to resolve the dispute)
- Toscar – Best Actor Award (the person who acts most realistically as a client)

## **Scoring**

32. Mediators and Counsel are scored separately.

The criteria for Mediators are based on, but not limited to:

- Conduct of the joint sessions and caucus
- Communication Skills and demeanor
- Ability to identify and formulate issues
- Techniques such as reframing, questioning, identifying interests and finding common ground
- Effective Problem Solving Support
- Control of Mediation Session.

The criteria for Counsel are based on, but not limited to:

- Advocacy skills
- Focus on Client's Interests
- Respect for the settlement goal of the process
- Cooperative attitude
- Client communication
- Option generation.

33. In each session, three Professional Mediators will observe and assess the conduct of the two counsel teams. The Professional Mediators will then agree and report to the organisers a numerical score for each team in that session. The Professional Mediators will then meet with both counsel teams, and WITHOUT disclosing the scores, will give constructive feedback to each team.

34. Also in each session, where applicable, a Professional Mediator will observe and assess the conduct of the student mediator. The Professional Mediator will then establish and report to the organisers a numerical score for that mediator. The Professional Mediator may then meet with the student mediator in private, and WITHOUT disclosing the score, will give constructive feedback to the student mediator.

35. Each Professional Mediator will complete a written post-session report (PSR) on the scores awarded to the two Counsel teams and to the Mediator, with the Professional Mediator's comments on the teams and on the student mediator. The PSR is to be handed directly to the organisers as soon as possible after the completion of each session.

36. All student participants and coaches receive a Certificate of Participation in The MWMC. Certificates will be prepared for all members of teams that win an award in one of the categories. The certificates will bear the names of the recipients exactly as they are registered, so teams should take care in registering to spell all names properly, including any diacritical marks.

37. Teams requesting an interpretation of these rules should address them to the MWMC Directors by email at [alix@mediatewise.com](mailto:alix@mediatewise.com). All interpretations, as well as any waivers, consents, or other decisions are at the discretion of the Directors.

### **General Provisions**

38. MWMC reserves the right to refuse or cancel the registration of any team, in the absolute discretion of the Directors for breaching these rules or for otherwise acting in a manner which the Directors deems detrimental to The MWMC.

39. MWMC reserves the right to cancel the Competition and refund any registration fees already paid, if an insufficient number of teams register to compete.

40. In the event of any force majeure occurring prior to or during the competition, the organisers reserve the right to cancel all or any part of The MWMC without liability to any Participant or school.