

ICC Australia Asia-Pacific Commercial Mediation Competition

*Competing Teams and Coaches
Information Session*



ASIA-PACIFIC
COMMERCIAL
MEDIATION
COMPETITION

Goals of this information session

- Overview and reminders about Key Rules, including those that address:
 - **New 'online' procedures**
 - Timing
 - Breaks and caucuses
 - Communication in the room
 - Confidentiality and use of facts
 - Handouts and permitted materials
 - Opportunity for feedback
 - Use of the mediator
- Q & A about rules and competition process



Competition structure

- There are 3 preliminary rounds, 1 preliminary final and 1 final round.
- All teams compete in the preliminary rounds, 4 teams in the preliminary finals and then 2 teams compete in the final round.
- During each prelim round the online room will hold:
 - Teams from each university, with each team comprising of two members (being Client and Counsel)
 - A Mediator
 - Two Judges
 - Coaches & other Team members (**must physically be in a separate location from competitors**)
 - A Session Supervisor
 - Other observers as permitted by the Organising Committee

Competition structure (cont.)

- During each preliminary final, the **online** room will hold:
 - Teams from each university, with each team comprising of two members (being Client and Counsel)
 - A Mediator
 - Three judges
 - Coaches & other team members (**must physically be in a separate location from competitors**)
 - A Session Supervisor
 - Observers as permitted by the Organising Committee

Competition structure (cont.)

- The Final will be held **online (on zoom)**.
- Those in the online room will include:
 - Teams from each university, with each team comprising of two members (being Client and Counsel)
 - A Mediator
 - Five Judges
 - Coaches & other team members (**must physically be in a separate location from competitors**)
 - A Session Supervisor
 - Observers as permitted by the Organising Committee

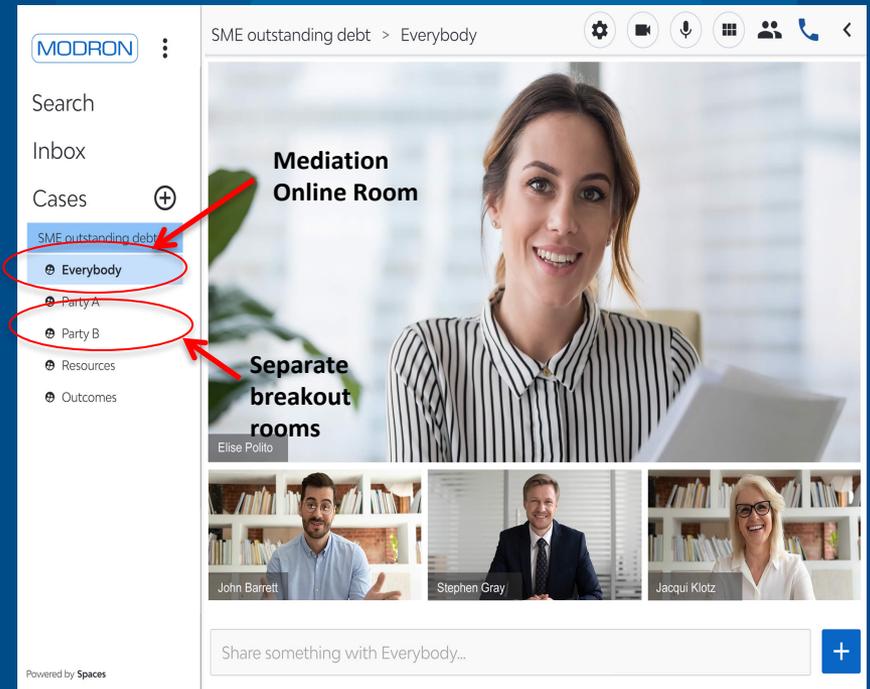
Coaches and Other Team Members Observing

- At all times please **mute** yourself and **turn off your video**.
- If you leave the session, and intend to return, **please stay logged on**. By re-entering the 'Everybody' space you will disturb the participants.



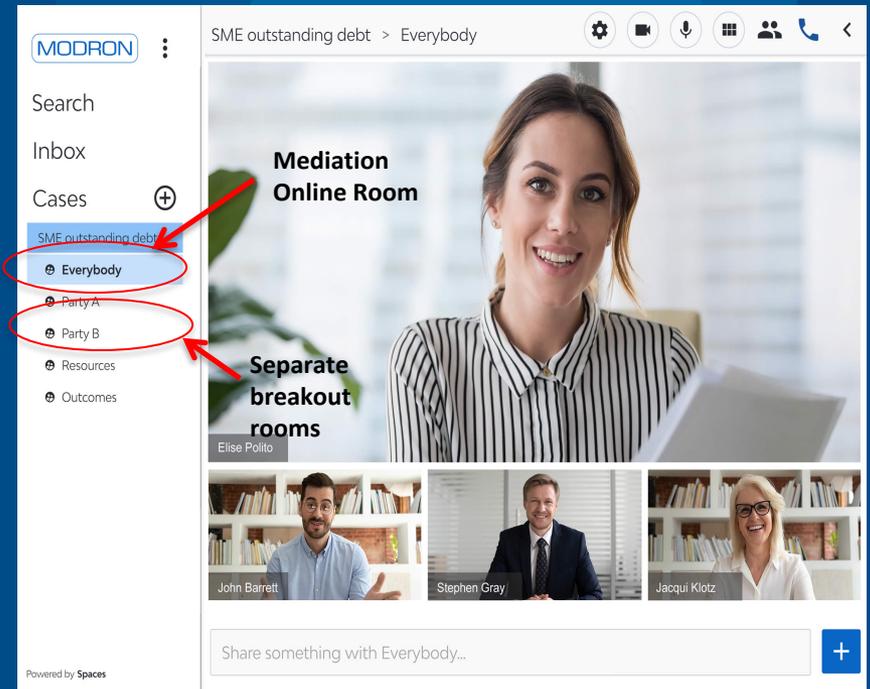
Online Mediation platform

- The mediation session will take place on the online platform 'Modron'
- The mediation will take place in the 'Everybody' online room
- All participants can be seen and heard in the 'Everybody' space



Online Mediation platform (cont.)

- Session Supervisor or the Mediator will facilitate introductions
- **Any Caucuses;** are held in the 'Everybody' space. Those not involved go to their breakout room/s (*with the Session Supervisor*).
- **Any Breaks;** the team requesting the break will go to their breakout room (*with the Session Supervisor*). Everyone else stays in the 'Everybody' Space and must remain **Silent**.



Online Mediation platform (cont.)

● Agenda Setting

- Chat function recommended; supplemented by each participant noting it down on paper
- Modron does not have a whiteboard function

● Handouts

- A one page files may be uploaded
- Modron does not have screen sharing function

Contingencies if technical issues - 1/2

If for any reasons there are disabling technical difficulties experienced by any Competing Team, Mediator or Judge, the following steps will be followed:

- Timing will be paused
- We will seek to limit a 'tech pause' to a maximum of 10 minutes
- Whomever has been disconnected is to use their best endeavours to reconnect, supported by the Session Supervisor and Organising Committee as needed
- If a Judge or Mediator is disconnected for longer than 10 minutes, the Organising Committee will determine how the Mediation Session is to be completed, including possibly calling for a Reserve Judge or Mediator to step into the session

Contingencies if technical issues - 2/2

- Any competitor who is disconnected during a Mediation Session continues to be bound by the Competition Rules regarding no communication with anyone outside the Mediation Session, including a Coach or other Team Members
- The disconnected competing Team Member will be readmitted to the session by the Session Supervisor as soon as possible
- If there is a full outage of the session, the Judges will consider all the circumstances, and in their sole discretion decide how to best assess the performance of the teams.
- There will be no time delay for any Coaches and other observers losing connection, including non-competing Team Members.



Timing of Mediation Sessions – Preliminary Rounds (Rule 2.1.1)

Total of 135 minutes (2 hours, 15 minutes) in Mediation Session and comprises:

- 5 minutes to settle into the room & take pledge
- 85 minutes for the mediation (1.25 hours)
- 15 minutes for Judges to score
- 30 minutes of feedback from Judges and Mediators (combined; Judges first, followed by Mediator)

NOTE – Online amendment to timing:

Time for Judges to read and score Mediation Plans will be undertaken prior to the competition.

Timing of mediation sessions - Finals (Rule 2.1.1)

Total of 135 minutes (2 hours, 15 minutes) IN Mediation Session and comprises:

- 5 minutes to settle into the room & take pledge
- 85 minutes for the mediation (1.25 hours)
- 15 minutes for Judges to score
- 30 minutes of feedback from Judges and Mediators (combined; Judges first, followed by Mediator)

Session supervisors

- Session supervisors will be present at every round, and their responsibility is to manage time and enforce the competition rules.
- Teams, coaches (and all others in the room) **must follow any instructions issued by the session supervisors.**



Breaks (Rule 2.1.2)

- Each team may take one break of no more than *3 minutes*.
- If a Team calls for a Break, that Team leaves the 'Everybody' space and goes to their Team break-out room where they can speak to each other (but to no one else) (Rule 2.1.2).
- Silence is to be observed by all people remaining in the 'Everybody' space, ***including Mediator, Judges, Coaches et al.***
- At all times when not speaking, and particularly during Breaks online, please mute yourself.



Caucus (Rule 2.1.3)

- Caucus is a private meeting between competitors and Mediator
- Caucuses are not a required process step
- Caucuses may be called by either the Mediator or a Competing Party in accordance with the provisions of Rule 2.1.3, including:
 - Each Caucus may last no longer than **5 minutes**
 - Can take place between the Mediator and both members of a Team (Caucus)
 - Caucuses can take place between the Mediator and either the Counsel from both Teams or the Clients from both Teams (a Cross-Caucus)



Caucus (Rule 2.1.3) – Purpose

- Teams may call for a Caucus when they consider they need private consultation with the Mediator “to Progress the Mediation” (Rule 2.1.4)
- Judges will evaluate the use and non-use of Caucuses
 - Did the Team who called the Caucus use it purposefully? Strategically?
 - Was it well timed?
 - Did it amount to effective use of the Mediator?
- A Caucus should not be used to seek clarification of the Competition Rules or any procedural matter



Caucus (Rule 2.1.3) – When

- Each Team has the right to call for one Caucus and for one Cross-Caucus during a Mediation
- The Mediator may call for one Caucus with each of the Teams during a Mediation
- The Mediator may call for one Cross-Caucus with the Counsel from each Team and one Cross-Caucus with the Clients from each Team during a Mediation



Caucus (Rule 2.1.3) – How

- The two competing Team Members who are not participating in a Caucus and the session supervisor will leave the 'Everybody' room and go to their Team's breakout room where they can speak to each other (but to no one else)
- The team that called the caucus, along with the mediator, judges, coaches, other team members and observers stay in the 'Everybody' room.
- For a cross-caucus, the session supervisor will leave the 'Everybody' room with those members of the competing teams who are not part of the cross-caucus.



Handouts (Rule 2.6)

- If a team wishes to, they may present ONE handout, limited to a single- sided A4 size paper, which can include any content.
- Copies of this handout are to be uploaded on Modron
- No other handouts/objects/displays may be used.



Admitted material incl electronic devices (Rule 2.7)

- Teams can bring their own prepared notes for their own use during the rounds, and if need be, make their own notes for their own use during rounds. These must be on paper.
- Watches and calculators are permitted.
- All electronic devices (mobile phones, recording devices etc.), except for the use of the one device (computer/laptop) for the purpose of accessing the online mediation session, are FORBIDDEN.
- Photographing and screen recording the online mediation session is also forbidden during the mediation session.

Communication incl prohibited assistance (Rule 2.9)

- During the mediation, no person associated with a competing team, including coaches, may give advice, assistance or instructions to, or communicate or attempt to communicate with any of the participants, and in particular with the two students in the competing team.
- Violation may result in disqualification. Harmless error is no defence.
- Coaches and other team members must be located physically in a separate area / room to competitors.



Avoiding Technical Difficulties

Before the online mediation session:

- ✓ Familiarise yourself with the online platform 'Modron'
- ✓ Check that your webcam and sound are working
- ✓ Check that you have ample internet speed and connection in the area in which you are situated, to conduct the online mediation session.



‘Traffic movement’ during rounds (Rule 2.11)

- Once mediation is complete, teams, coaches and observers can remain **online in the ‘Everybody’ space while the Judges retire to their room** for the scoring to take place.
- If stepping away from the Online Space the Competing Teams, coaches and observers are to re-enter the room for judges’ feedback when 40 minutes remain on the clock and wait for the judges to return.



Feedback from Judges and Mediators (Rule 2.12)

- Judges provide 10 minutes of feedback to each competing team in the Preliminary Round, and 7 minutes each in the Final Rounds, followed by 10 minutes of feedback from the Mediator to the Competing teams. Strict time limits will apply.
- Feedback is designed for educational purposes – a chance to get the most out of the competition and prepare for the next round.
- Feedback during the round is NOT a dialogue, however teams are encouraged to discuss with judges and mediators after the session.

A further note on Feedback...

The mediation competition, being intensive and featuring long mediation rounds means participants are required to respond to facts not previously known to them. In order to be effective throughout the competition, try to apply the the feedback given to you by the judges, to the new hypothetical cases put forth as you progress through the competition rounds.

Confidentiality of confidential facts (Rule 2.13)

- Teams and coaches are under a duty of confidentiality and must not reveal any confidential information outside the mediation.



Staying within the record (Rule 4.3)

- Problems are self contained and include all relevant facts.
- Teams may not misrepresent facts nor create new ones
 - However, the problems are subject to reasonable interpretation
- Teams should not carry out any research; however if they do so, information should be limited to a strict minimum necessary to advance the mediation, staying within the problem's record.



Awards (Rule 9)

- Teams who have not achieved 1st, 2nd or runner up positions, are eligible to receive an award based on their participation in the competition.
- These include:
 - Best Mediation Plan
 - Best Teamwork
 - Best Public Speaker(See “Special Award Score Sheet” in Annex I.)
- Teams are encouraged to do their best in every way!

‘Making good use of the Mediator’

- There are 8 points allocated to use of mediator.
(See for example the scoresheet on page 34)
- Mediators are trained to err on the side of a ‘light touch’ so as not to take away from the participants’ opportunity to show their skills and put the mediators to good use.
- The judges want to see teams bringing the mediators into the conversation (see part D of Annex III ‘Mediators Intervention Sheet’).



Some tips!

- In preparation for the competition, make sure you are in an area with a steady internet connection where you will not be disturbed.
- Make sure you understand how to use the online platform 'Modron' beforehand including how to enter and leave online rooms, use the online chat function, turning your webcam and sound on/off.
- Dress for success, and prepare your 'background' and 'lighting' carefully so that you can be seen clearly.
- The competition is fast moving and intense so look after yourselves, get enough rest, stay healthy and enjoy!

