

WCA Mediation Competition 2020

Competition Rules

January 24-26. IDRC, Fleet Street, London

Aim of Competition

The aim of the competition is to encourage participants to engage in and become conversant with the role of mediation in dispute resolution. Participants are strongly encouraged to engage with the mediators, judges, WCA members and officials so as to gain the benefit of their experience outside of the formal mediation sessions.

Definitions

- a. BATNA: Best Alternative to a Negotiated Agreement.
- b. Case Study: Details of a dispute provided for the purposes of the competition.
- c. Competing Team: two eligible participants from the same team taking part in a mediation session.
- d. Confidential Information (case study): Information provided as part of a case study intended only to be known by one party in any one Mediation Session.
- e. Eligible Participant: University Law students; Trainee Solicitors; Pupil Barristers.
- f. General Information (case study): Information provided as part of a case study intended to be known by all parties in a Mediation Session.
- g. Lawyer and client: The division of roles taken by a Competing Team in a Mediation Session.
- h. Mediation Session: The timeframe of 90 minutes for an actual mediation between two Competing Teams.
- i. Mediation Plan: Each team's written case analysis.
- j. Observers: People attending the Mediation Session other than the Competing Teams, Mediator and Judges and Mediation Session Supervisors.
- k. Private Meeting: Separate meeting between a mediator and competing team without the presence of the other team
- l. WCA: is the acronym for the Worshipful Company of Arbitrators

Rules

1. Each team shall consist of two to four Eligible Participants and, optionally, one coach. The Coach shall act only as an observer during role-play Mediation Sessions but may provide advice and coaching at all other times. Only two participants may participate in any Mediation Session (as party and counsel). Teams may be from academic institutions, law firms, sets of chambers or such other organisations as the organisers think fit. The teams may have varying experience of the mediation process. Lack of experience has not been seen as a handicap to success in earlier competitions.
2. The non-refundable entry fee of £175.00 shall become payable immediately upon acceptance of the team into the competition.
3. The early rounds of the competition will involve all Teams and consist of three role-play Mediation Sessions (two on Saturday, one on Sunday morning) using different Case-Studies.

The Competing Teams shall play the roles of Lawyer and Client in the Case Study. The outcome from each of the three Mediation Sessions shall be considered equally in establishing the Competing Teams for the Final.

4. The Case Studies, which will be made available in advance of the competition weekend, will be made available as follows:
 - a. General Information.
 - b. Confidential Information known only to each party.
5. The Final shall consist of one Mediation Session. It will be open to Observers.
6. At the start of each Mediation Session, the Teams shall provide a written Mediation Plan (three copies for the judges, one for the organisers) outlining the approach to be taken during the mediation and setting out their desired outcome. At the start of each Mediation Session, each Team shall submit its Mediation Plan to the judges but not to the mediator.
7. Each session will, in addition to the parties and coaches, be attended by:
 - a. A mediator appointed by the Worshipful Company of Arbitrators.
 - b. Up to three judges appointed by the Worshipful Company of Arbitrators.
 - c. (Where possible) a Mediation Session Supervisor
8. Each Mediation Session shall have the following format:
 - a. Settling in 5 mins
 - b. Judges score Mediation Plan in private 10 mins
 - c. Mediation role-play 90 mins
 - d. Scoring by judges in private 15 mins
 - e. Feedback from judges & mediator 20 mins
9. During each Mediation Session, within the overall timings, each team may request:
 - a. Two private sessions each of five minutes with the Mediator during which the other team shall leave the room.
 - b. One private Competing Team Session of five minutes during which the two Competing Teams shall leave the room. Coaches and non-competing members of the Team shall not participate in this meeting.
10. Time keeping during the mediation session shall be performed either by a dedicated time-keeper (Session Supervisor) or by one of the judges.
11. During the session, each team may, at its discretion, produce a single page (A4) handout containing, for example, a diagram, calculation or other demonstrative.
12. At the end of each session, the judges shall judge the teams in accordance with the marking scheme, record those results and return the completed forms to the organisers.
13. Following the first three rounds, the two Competing Teams in the Final shall be determined by the following method:
 - a. Total number of 'wins' as judged by the judges.

- b. Total number of points awarded by the judges.
 - c. Number of individual commendations made by the judges.
14. Finalists, having previously received the General Information for the Case-Study to be used in the Final, will be provided with the relevant Confidential Information once the finalists are identified following the first three rounds.
15. All Participants, Coaches and Observers are invited and encouraged to attend the Final and the following prize-giving.
16. All prizes except Winning Team and Runner-up will be awarded on the basis of the three qualifying rounds. Prizes to be awarded are as follows:
- a. Winning Team
 - b. Runner-up Team
 - c. Best University Team
 - d. The Past Master Karl Davies Award for Most Creative Solution Proposed in a Mediation Session
 - e. Best Mediation Advocacy skills
 - f. Best Advocate awarded by participants
 - g. Best performance as a character in role-play
 - h. Certificate of attendance to all participants.
 - i. Additional prizes can be awarded at the discretion of the organising committee.
17. In the event of any dispute or requirement to change the execution of the competition for operational reasons, the organisers' decision shall be final and binding.
18. In the event of infringement of the rules, the organisers, at their discretion, may award disciplinary points against participating teams.

Competition Timetable

Friday	17.30	Registration
	18.00 – 18.30	Briefing for Teams and Officials
	18.30 – 19.00	Joint session (judges and teams) – ‘Ask the Mediator’ panel Q&A session
	19.00 – 20.00	Reception
Saturday	10.00 – 12.30	First mediation session
	14.00 – 16.30	Second mediation session
	16.30– 19.00	Reception
Sunday	9.30 – 12.00	Third mediation session
	12.05	Announcement of finalists
	13.30 – 16.00	Final including feedback
	16.00 – 16.30	Awards

Part 1: Summary Score Sheet

Team Name: _____

Please tick the appropriate round:	25th January 2020 Preliminary Rounds: morning	
	25th January 2020 Preliminary Rounds: afternoon	
	26th January 2020 Preliminary Rounds: morning	
	26th January 2020 Final: afternoon	

RESULT

NOTE: For the Mediation Session you cannot give the same number of marks to both Teams. There must be a difference of at least 1 mark between the two Teams.

Mediation Session <i>(from Part 2 – maximum 20)</i>	
Mediation Plan <i>(from Part 3 – maximum 2)</i>	
Penalty Points <i>(organisers' decision)</i>	
TOTAL	MAXIMUM 22

This team has: <i>(tick as appropriate)</i>	WON	
	LOST	

Judge's Name: _____

Signature: _____

Part 2: Mediation Session Skills Score Sheet

For each section consider the skills required to be shown and determine the level of the Competing Team's performance. Score each section as follows:

Excellent	4 marks
Good	3 marks
Satisfactory	2 marks
Poor	1 mark
Not shown	0 marks

	Criterion	Mark awarded
1	<p>Opening Statement in the Joint Opening Session</p> <ul style="list-style-type: none"> • Identification of live issues for discussion and negotiation in the mediation session; • If appropriate, declaration of interests and needs; • Indication of a desire to establish common ground in the identified issues and explore options for settlement. 	
2	<p>Exploration of both side's Interests and Needs</p> <ul style="list-style-type: none"> • Open questions; • Active listening; • Using the gathered information relevant to the live issues and establishing common ground upon which to build the negotiation. 	
3	<p>Interaction between Lawyer and Client Team</p> <ul style="list-style-type: none"> • Clear delineation of team work; • Appropriate sharing of responsibility for the mediation process. 	
4	<p>Building a problem-solving relationship with Other Team</p> <ul style="list-style-type: none"> • Instigating realistic options for resolving the live issues; • Receiving options for resolving the live issues; • Evaluating and responding to options for realistically resolving the live issues. 	
5	<p>Working with the Mediator</p> <ul style="list-style-type: none"> • Responding to the Mediator's Interventions; • Seeking the mediator's assistance in advancing the client's interests, balancing interests of the other side and exploring with the mediator options for settlement. 	

Part 3: Mediation Plan Score Sheet

Team Name: _____

Please tick the appropriate round:	25th January 2020 Preliminary Rounds: morning	<input type="checkbox"/>
	25th January 2020 Preliminary Rounds: afternoon	<input type="checkbox"/>
	26th January 2020 Preliminary Rounds: morning	<input type="checkbox"/>
	26th January 2020 Final: afternoon	<input type="checkbox"/>

Please tick one assessment level for each criterion

	Criterion	Excellent	Satisfactory	Poor
1	The Team's BATNA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	The Team's Interests and Needs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Other Party's likely BATNA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Other Party's likely Interests	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Plan for advancing point 2 and establishing and balancing point 4 with point 2 in the mediation session to achieve resolution.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTAL NUMBER OF TICKS		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

MEDIATION PLAN SCORE Please review the number of ticks above and mark the appropriate box below with a tick

Mostly Excellent	2 marks
Mostly Satisfactory	1 marks
Mostly Poor	0 marks

Judge's Name: _____

Signature: _____

Part 4 – Special Awards

Special Awards

You can nominate each team for a maximum of ONE special award in each early round.

If you wish to nominate this team for a Special Award, please select ONE of the categories and indicate the strength of your recommendation from the following scale:

3= the team showed **excellent** skills in this area

2= the team showed **good** skills in this area

1= the team showed **above average** skills in this area

Team Name	Recommendation level 1/2/3 MARK ONLY ONE AWARD
Best University Team	
Best Mediation Advocacy Skills	
Most Creative Solution Proposed in a Mediation Session	