

2019 CPR INTERNATIONAL MEDIATION
COMPETITION RULES

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DEFINITIONS

“Break” = is a time period that may be asked by Negotiators Team in a Mediation Session. During the Break, the overall time of the Mediation Session continues to run.

“Caucus” = is a separate meeting between the sole Mediator and a Competing Team. During the Caucus, the overall time of the Mediation Session continues to run.

“Clarification Questions” = Each Competing Team may send a maximum of 5 Clarification Questions regarding the Problem and any clarification needed to its understanding. The Organizing Committee, in its sole discretion, will choose among the questions received which ones will be suitable to be answered and will publish the corresponding answers to the Competing Teams.

“Client” = is a participant from a Negotiators Team appointed to act as the Client in a Mediation Session.

“Coach” = individual responsible for supervising and assisting a Competing Team before and during the Competition.

“Competition” = is the 3rd edition of the CPR International Mediation Competition, which will occur on April 4 and April 6, 2019 in São Paulo, Brazil – also known as the 2019 CPR International Mediation Competition.

“Competing Teams” = shall consist of a minimum of 3 and a maximum of 6 students each and be composed by a Negotiators Team and a Mediator Team.

“Confidential Information” = refers to the confidential elements to be taken into account in determining the strategy and tactics of the Negotiators Teams in a given Mediation Session. The Confidential Information is for exclusive use of the Negotiators Teams and the Judges, and shall not be disclosed to the Mediator Team.

“Counsel” = is a participant from a Negotiators Team appointed to act as the Counsel in a Mediation Session.

“CPR” = The International Institute for Conflict Prevention and Resolution (<https://www.cpradr.org>).

“Final Round” = refers to the round in which two Negotiators Teams with the highest scores and the 1st prize Mediator Team (or 2nd prize Mediator Team, in case the 1st prize Mediator Team is prevented from acting as a Mediator in that session due to conflicts of interest or any unforeseen circumstances as determined by the Organizing Committee) participate in the final Mediation Session of the Competition.

“General Information” = refers to the general information that should be taken into account by the Judges and all the participants in the Mediation (Mediator Team and Negotiators Team) and that contains the background of the dispute and where the dispute stands in a given Mediation session.

“General Rounds” = refers to the qualifying rounds for the Quarter-Finals rounds.

“Guidelines and Instructions for Judges” = refers to a set of instructions, for Judges and Mediators, which outlines the dos and don'ts of the Competition, which will be distributed to the Judges by the Organizing Committee.

“Judge” = is an individual selected by the Organizing Committee who evaluates and scores the Competing Teams’ performance during a Mediation Session in accordance with the Score Sheet prepared by the Organizing Committee.

“Mediation Session” = refers to a session during which the Competing Teams will simulate a mediation procedure (90 minutes) and a period of time during which the Judges will provide feedback (30 minutes).

“Mediator” = is a participant from a Mediator Team appointed to act as the sole Mediator in a Mediation Session.

“Mediator Team” = refers to the student(s) of a Competing Team who are acting as mediator(s) during the Competition.

“Negotiators Team” = refers to the students of a Competing Team who are acting as client and/or counsel in the Competition.

“Organizing Committee” = refers to a group of Staff which is in charge of organizing and managing the Competition.

“Pre-Registration” = refers to the initial registration of a potential Selected Team representing a university.

“Problem” = refers to the mock dispute subject to the Mediation Session during the Competition.

“Registration” = refers to the final registration of the Selected Teams into the Competition.

“Score Sheet” = refers to the document that contains the scoring criteria to be prepared by the Organizing Committee and observed by the Judges when evaluating Competing Teams’ performance. The Score Sheet will be made available to the Competing Teams before the Competition.

“Selected Teams” = refers to the eligible participants representing a university that were accepted by the Organizing Committee to Register in the Competition as a Competing Team.

“Semi-Finals” = refers to the rounds in which the four Negotiator Teams and the two Mediator Teams with the highest scores in the General Rounds participate in a Mediation Session.

“Staff” = refers to CPR staff members or any such person/s who may be authorized by CPR to act on their behalf. Staff shall not include Judges.

“Written Statement” = each Competing Team will be required to submit to the Organizing Committee a Written Statement summarizing the background and present status of the dispute, and such other material and information as the Competing Team deems helpful to familiarize the Mediator with the dispute. Additional instructions for purposes of submitting the Written Statement will be provided to the teams when the Problem is released.

1. INTRODUCTION, GOALS AND OVERVIEW OF THE COMPETITION

- 1.1.** The International Institute for Conflict Prevention & Resolution (CPR) is an independent non-profit organization that helps global businesses and their counsel prevent and resolve commercial disputes more effectively—both directly, by enhancing their capabilities, and indirectly, by improving ADR capacity worldwide. CPR offers: Cutting edge tools, resources and solutions; a full suite of innovative – and yet practical – ADR rules, procedures and services; a global roster of distinguished and experienced arbitrators and mediators (neutrals); and a collaborative community of members, consisting of top corporations and law firms, academic and government institutions, and leading mediators and arbitrators around the world. For more information, visit www.cpradr.org.
- 1.2.** CPR has decided to organize the Competition as a means to promote, incite and disseminate the use of mediation among younger generations of professionals with a mind-set of effectively resolving disputes. CPR believes that the Competition will allow students with different backgrounds and academic trainings to have the opportunity to enhance their mediation skills in an international setting.

2. PARTICIPATION AND ELIGIBILITY

2.1. ELIGIBLE PARTICIPANTS

- 2.1.1.** Full-time and part-time students duly registered in a university at the time of Pre-Registration are eligible to participate in the Competition.
 - 2.1.1.1.** Each Competing Team must have at least 1 full-time or part-time student who is pursuing a degree in Law, to perform the role of counsel of the Negotiators Team in the Mediation Sessions.
 - 2.1.1.2.** When completing Registration, each Selected Team will be required to provide the Organizing Committee with proof of enrollment of each student composing the Selected Team at the University that the Selected Team represents at the time of Pre-Registration.
- 2.1.2.** Students who are practicing lawyers or are entitled to practice law in any jurisdiction, by having passed a bar exam or otherwise, at the time of Pre-Registration of the respective team, are not Eligible Students.
- 2.1.3.** Students must be at least 18 years old to be part of a Competing Team.
- 2.1.4.** Team members and Coaches are not required to have the same nationality.

2.2. TEAM COACH

2.2.1. Although recommended, Competing Teams are not required to have a Coach to participate in the Competition.

2.2.1.1. Each Competing Team may have a maximum of 1 Coach.

2.2.2. The role of the Coach is to supervise and assist his or her respective Competing Team before and during the Competition.

2.2.3. Coaches may be full-time or part-time professors, qualified mediators, lawyers, assistant professors and/or alternative dispute resolution practitioners, or anyone who has experience in mediation and mooting in general.

2.2.4. A Coach can only supervise 1 Competing Team.

2.3. COMPOSITION OF TEAMS

2.3.1. Each Competing Team may have a minimum of 3 and a maximum of 6 members.

2.3.1.1. All Competing Teams must be composed by at least 3 students to allow the same Competing Team to perform simultaneously, if and when applicable, the roles (i) of counsel and client when acting as a Negotiators Team in one Mediation Session; and (ii) Mediator in another parallel Mediation Session.

2.3.2. Students who are not pursuing a degree in Law shall not be allowed to act as counsel, but can act as client in the Negotiators Team and/or as mediator in the Mediator Team.

2.3.3. Teams may be composed of students from two different universities if one of such universities does not offer a Law degree in its *curriculum*, in order to allow compliance with Rule 2.1.1.1.

2.3.3.1. In case a Competing Team represents 2 universities, as allowed under Rule 2.3.3 above, the Competing Team will be identified under the name of both universities.

2.3.3.2. Under no other circumstances a university can nominate more than 1 team to the Competition. Competing Teams will either represent a single university or 2 universities, as allowed under Rule 2.3.3 above.

3. TEAM APPLICATION, ADMISSION AND REGISTRATION

3.1. Teams interested in competing must pre-register online on the Competition website (<https://www.cpradr.org/events-classes/international-mediation-competition/2019>) no later than December 2, 2018. CPR reserves the right to extend such deadline at its sole discretion. Pre-registration is free of charge.

3.1.1. A team can only be Pre-Registered by one (1) university, except as provided for in Rule 2.3.3.

3.1.2. The Organizing Committee will have full discretion to decide which teams will be selected to complete Registration and become a Selected Team.

3.1.2.1. During the Pre-Registration period, each team is encouraged to submit a letter of interest stating the reasons why that team wish to participate in the Competition. The submission of such letter of interest is voluntary. The purpose of the letter of interest is to help the Organizing Committee choose the Selected Teams among the Pre-Registered Teams.

3.1.2.2. The Organizing Committee will aim, primarily, to reach a diverse, both culturally and geographically, pool of Selected Teams. The Organizing Committee will also consider when choosing the Selected Teams whether a team has expressed early interest in the competition through an early Pre-Registration in the Competition, as well as any submitted letter of interest.

3.1.3. The Organizing Committee will notify the Pre-Registered teams by December 16, 2018 of their admission or non-admission to the Competition. In the event that such deadline is changed, the Pre-Registered teams will be notified.

3.1.3.1. Upon receiving the admission notice, the Selected Teams will be requested to complete Registration, within a certain time limit which shall be notified to them with the admission notice. The admission notice will provide the Selected Teams with the necessary instructions on how to complete Registration.

3.1.3.2. In the event a Selected Team fails to complete Registration within the deadline set forth on the admission notice with no justifiable reason, the Organizing Committee will exclude that team from the pool of Selected Teams and choose another team from the Pre-Registered teams to participate in the Competition.

have already competed in the General Rounds face each other again in the Semi-Finals, and (ii) a Mediator Team mediate a Negotiators Team which such Mediator Team has already mediated in the General Rounds.

- 4.5.4.** The 2 Negotiators Team that had the best performance in each one of the Semi-Finals (the winners of each Semi-Final session) will advance to the Final Round.
- 4.5.5.** The Mediator Team that has achieved the highest score in the Semi-Finals will be the winning Mediator Team of the Competition and will qualify to the Final Round.
 - 4.5.5.1.** In case the winning Mediator Team represents the same university of one of the Negotiators Team participating in the Final Round, the second highest scored Mediator Team will conduct the Final Round. In case the second highest scored Mediator Team is also from the same university of one of the Negotiators Team participating in the Final Round, the third highest scored Mediator will conduct the Final Round.
- 4.5.6.** The Organizing Committee will decide, at its own discretion, which 3 Competing Teams will perform in each Mediation Session at the General Rounds, and whether as a Negotiators or Mediator Team.
- 4.5.7.** The Organizing Committee will decide at its own discretion which party each Competing Team will represent in each Mediation Session where they are assigned to perform as a Negotiators Team, during the General Rounds, the Quarter-Finals (if applicable), the Semi-Finals and the Final Rounds.
- 4.6.** Coaches and team members of each Competing Team will be allowed to attend only the Mediation Sessions of their Competing Teams.
 - 4.6.1.** Attendance to the Semi-Final and Final Rounds will be open to all Competing Teams. However, if the number of people attending the Semi-Final or the Final Rounds exceed the number of people that the room can seat, the Organizing Committee will give preference for the Coaches and members of the Competing Teams acting as Negotiators or Mediators at the relevant round.
- 4.7.** The Organizing Committee may allow anyone interested in the Competition to attend the Mediation Sessions as observers.

5. MEDIATION SESSION PROCEDURES

5.1. TIMING

- 5.1.1.** Each Mediation Session will have a total time of 120 minutes. During the initial 90 minutes the Competing Teams will simulate a mediation procedure. Afterwards, the Judges will have 10 minutes to score. In the last 20 minutes the Judges will provide feedback.

5.2. THE USE OF BREAKS AND CAUCUSES

- 5.2.1.** The use of Breaks and Caucuses is not mandatory. Each Competing Team may use them as they deem necessary and/or appropriate. The decisions made by the Negotiators and/or Mediator Teams on whether to use Breaks or Caucuses will be evaluated by the Judges.

- 5.2.1.1.** The length of Breaks and Caucuses will be one the aspects evaluated by the Judges

- 5.2.2.** The Mediator or Negotiators Team may call for one or more Caucuses during each Mediation Session.

- 5.2.2.1.** The length of each Caucus shall be defined by the Mediator as he/she deems appropriate, but shall not exceed 15 minutes.

- 5.2.2.2.** For the duration of the Caucus, the members of the Competing Team that are not part of the Caucus must leave the room.

- 5.2.2.3.** All others (coaches, observers and other members of the competing teams) must stay in the room, but must not communicate with any member of the Negotiators Team or Mediator Team.

- 5.2.2.4.** The Mediator is responsible for keeping track of the time limit of the Caucus.

5.3. PROBLEM AND APPLICABLE RULES

- 5.3.1.** The Problem will not rely on the analysis of national or international governing law or applicable law.

- 5.3.2.** The Problem and instructions for the purposes of submitting Written Statements will be made available to the Selected Teams on January 28, 2019. Any subsequent modification of the Problem will be published on the Competition website.
- 5.3.2.1.** Pre-Registered teams will be duly notified of any modification to the Problem.
- 5.3.3.** The number of Clarification Questions related to the Problem will be limited to 5 (five) per Competing Team.
- 5.3.3.1.** Each Selected Team may send up to 5 Clarification Questions regarding the Problem and any clarification needed to its understanding until February 5, 2019.
- 5.3.3.2.** The Organizing Committee, in its sole discretion, will choose among the Clarification Questions received which ones will be answered.
- 5.3.3.3.** The Organizing Committee will make the answers to the selected questions available to the Competing Teams by February 15, 2019.
- 5.3.4.** General and Confidential Information applicable to the General Rounds, Quarter-Finals (if applicable), Semi-Finals and Final will be made available at least one hour before each relevant round.
- 5.3.4.1.** The Mediator Teams will receive General Information which contains the background of the dispute and where the dispute stands in that specific round.
- 5.3.4.2.** The Negotiator Teams will receive Confidential Information applicable to the side they are role playing in that specific round. The Confidential Information will also include the General Information that is given to the Mediator Team.
- 5.3.4.3.** The Judges will have access to both sides' Confidential Information handled to the Negotiators Teams and to the General Information handled to the Mediator Team.
- 5.3.5.** All persons participating in the Competition including the Competing Teams, their Coaches and the Judges shall not disclose the Confidential Information, as they are relevant for scoring the Competing Teams' performance.

5.4. MEDIATION RULES

- 5.4.1.** The moot mediation will be conducted pursuant to the CPR International Mediation Procedure (2017) which is available on CPR's website at <https://www.cpradr.org/resource-center/rules/international-other/mediation/cpr-international-mediation-procedure>.

6. JUDGES

- 6.1.** Competing Teams will be evaluated by Judges, who will be selected by the Organizing Committee.
- 6.2.** Besides scoring the Competing Teams, Judges are also responsible for keeping the time of each Mediation Session.
- 6.3.** There will be 3 Judges for each Mediation Session.
- 6.4.** The Organizing Committee will endeavor to organize the Mediation Sessions in such a manner that the Competing Teams are evaluated by different Judges, but this may not be possible due to limited availability of professionals willing to act as Judges.
- 6.5.** Judges shall be neutral and impartial.
- 6.6.** Judges will be required to submit a disclosure to the Organizing Committee identifying any kind of relationship they have with the Competing Teams. If, at any time after submitting the disclosure to the Organizing Committee or during the Competition, Judges discover any new fact that may give rise to a conflict of interest with any of the Competing Teams, particularly those they have been assigned to evaluate, they shall immediately inform and identify such fact to the Organizing Committee.
- 6.7.** Coaches shall not act as Judges.

7. SCORING, AWARDS AND CERTIFICATES

7.1. Scoring

- 7.1.1.** Judges will evaluate the Competing Teams based on the criteria set out in the Score Sheet to be prepared by the Organizing Committee.

- 7.1.2.** There shall be no need for achieving a final settlement or resolution during the Mediation Session. Competing Teams will not be scored based on the achievement of a settlement or resolution during the Mediation Session.
- 7.1.3.** Judges shall evaluate and score the Mediation Session once everyone including the Competing Teams, Coaches and any observers have left the room.
- 7.1.4.** The scoring must not be revealed to any Competing Team during the Competition. The scoring will be available to the Competing Teams after the Competition. However, the Judges will provide general oral feedback to the Competing Teams immediately after each Mediation Session.
 - 7.1.4.1.** Any information relating to the scoring of Competing Teams shall be kept confidential by the Judges and the Competing Teams.

7.2. Prizes and Special Awards

- 7.2.1.** At end of the Competition, the following Special Awards and Prizes will be granted:
 - 7.2.1.1.** 1st Prize Negotiation (winning Negotiators Team).
 - 7.2.1.2.** 2nd Prize Negotiation (Runners up Negotiators Team of the finals).
 - 7.2.1.3.** 3rd Prize Negotiation (Negotiators Team from the Semi-Finals which did not make to the Finals, but had the 3rd highest score)
 - 7.2.1.4.** 1st Prize Mediation (winning Mediator Team of the Semi-Finals).
 - 7.2.1.5.** 2nd Prize Mediation (second highest score Mediator Team of the Semi-Finals).
 - 7.2.1.6.** 3rd Prize Mediation (third highest score Mediator Team of the General Rounds).
 - 7.2.1.7.** Best Counsel (for the individual that had the best performance as counsel during the Competition).
 - 7.2.1.8.** Best Client (for the individual that had the best performance as client during the Competition).

7.2.1.9. Best Written Statement (for the Negotiators Teams whose Written Statement received the highest score).

7.2.1.10. Best Teamwork (for the Negotiators Teams with the best teamwork during the Competition).

7.2.2. In order to be eligible to the Best Client or the Best Counsel Special Awards, the same competitor must perform the role of the client or the counsel, as applicable, in the two sessions of the General Rounds, once as claimant and once as respondent.

7.3. Certificates

7.3.1. One certificate of achievement will be issued for each Competing Team winning a Prize and for each Participant and/or Competing Team, as applicable, winning a Special Award.

7.3.2. Certificates of participation will be issued for all Competing Teams.

8. VIOLATION OF RULES AND PENALTIES

8.1. The Organizing Committee may impose sanctions to any Competing Teams for any breach of the Rules, including, but not limited to, deducting of scoring points or disqualifying Competing Teams.

9. INTERPRETATION AND APPLICATION

9.1. The Organizing Committee shall have, in its sole discretion, the exclusive power to interpret and apply the Rules. Any matters not expressly addressed by the Rules will be decided by the Organizing Committee on a case by case basis.