

Hong Kong

**Mediator Assisted-FDR Competition**

# Competition Rules

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## Definitions

“Break” refers to a three minute period of time that can be requested once by each Competing Team in each Mediation Session and during which the overall time of the Mediation Session shall continue to run.

“Caucus” refers to a separate meeting between the Mediator and a Competing Team. During the Caucus, the overall time of the Mediation Session shall continue to run.

“Coach” refers to the person appointed by the Organising Committee to act as that Team’s Coach. Coaches are permitted to accompany the Team to the Competition.

“Competing Team” refers to the two students from on Team competing in one specific Mediation Session in the roles of Solicitor and Client.

“Competition” refers to the 2025 Hong Kong Mediator Assisted-FDR Competition.

“Confidential Information” refers to the background information of the Problem for the exclusive use of a Party and the Judges but not the Mediator.

“Client” and “Solicitor” refer to the roles taken respectively by two members of a Team during each Mediation Session. They shall collectively be referred to as a Competing Team or as a Party.

“Competition Problems Working Group” refers to the persons selected by the Organising Committee in charge of drafting the Problems for the Competition.

“Eligible Student” refers to a person who meets the criteria set out at  
Rule 4.1 Eligible Students.

“General Information” refers to the background factual information of the Problem for the use by each Party, the Judge and the Mediator.

“Judge” refers to a Professional selected by the Organising Committee to: (i) act as if he/ she were a judge presiding over the ancillary relief proceedings; (ii) evaluate and score the Teams’ performance during a Mediation Session.

“Judging Criteria” refer to the criteria set out in the Score Sheet.

“Mediation” refers to the timeframe of 90 minutes (Preliminary Round) or 100 minutes (Final Round) for the actual mediation between the two Competing Teams as described in Rule 2.1.1 Timing.

“Mediation Session” refers to the time frame of 135 minutes (Preliminary Round) or 165 minutes (Final Round) as described in Rule 2.1.1 Timing.

“Mediation Session Supervisor” refer to a person appointed by the Organising Committee to keep time during a Mediation Session and make sure the Rules are followed.

“Mediator” refers to a professional mediator selected by the Organising Committee to take on the role of Mediator during the Mediation Session.

“Organising Committee” refers to the group of staff in charge of organising and managing the Competition.

“Penalty(ies)” refers to points deducted for any violation of the Rules pursuant to

#### **Rule 6 Penalties and Disqualifications**

“Preliminary Rounds” refer to the first and second phases of the Competition, in which Teams are selected for the Final Round.

“Problem” refers an official ancillary dispute case distributed by the Organising Committee, as supplemented and/or corrected by the Organising Committee, which the Teams will attempt to resolve with the help of the Mediator during the Mediation.

“Problem Clarifications” refer to the official clarifications or corrections of the Problems, as published by the Organising Committee pursuant to Rule 3.2 Clarification of the Problems

“Professional” refers to an appropriately qualified and experienced volunteer who is selected by the Organising Committee to act as Mediator and/or Judge in the Competition.

“Prohibited Assistance” refers to advice, instructions, or any other communication to a Team that is not in compliance with

Rule 2.9 Prohibited Assistance

“Rules” refer to these Competition Rules.

“Score Sheet” refers to the document in accordance with the sample set out in Annex 1.

“Team” refers to a group of 2 Eligible Students accepted by the Organising Committee to participate in the Competition.

“Visitor” refers to any person who does not have any active role in the Competition and has been authorised by the Organising Committee to attend the Competition and/or a Mediation Session.

“Volunteer” refers to a person who has been accepted to attend the Competition to perform a specific role such as Professional, Mediation Session Supervisor or any other logistical duty deemed necessary by the Organising Committee.

## **Rule 1 Organisation of the Competition**

### **Rule 1.1 Introduction**

The Competition is an educational event that seeks to encourage the effective use of alternative dispute resolutions and negotiation techniques to amicably resolving ancillary relief disputes in divorce proceedings.

The focus of the Competition is to effectively combine the use of Mediator and collaborative problem-solving skills to successfully present the Parties' interests and progress towards resolution at a mediator assisted FDR hearing.

### **Rule 1.2 Format**

A Mediation Session will consist of a Judge, a Mediator and two Competing Teams.

The Parties can assume that barristers are not instructed to attend the mFDR hearings.

## Rule 2 Mediation Session Procedures

### Rule 2.1 General Procedures

In every Mediation Session, each Team will be represented by two (2) Eligible Students, with one taking the role as the Solicitor and the other taking the role of Client. Members of each Competing Team shall determine amongst themselves who will take which role in that Mediation Session and shall keep to their respective roles during that Mediation Session.

#### Rule 2.1.1 Timing

##### Preliminary Rounds

Total Time for Mediation Session	= 135 mins
Time to settle in the room	= 5 mins (130 mins remaining)
Opening Submissions (for each party)	= 5 mins (120 mins remaining)
Judge's Indication	= 10 mins (110 mins remaining)
Mediation	= 90 mins (20 mins remaining)
Judge to Deliberate	= 10 mins (10 mins remaining)
Judge + Mediator's 's Comments / Feedback	= 10 mins (0 min remaining)

##### Final Round

Total Time for Mediation Session	= 165 mins
Time to settle in the room	= 5 mins (160 mins remaining)
Opening Submissions (for each party)	= 10 mins (140 mins remaining)
Judge's Indication	= 15 mins (125 mins remaining)
Mediation	= 100 mins (25 mins remaining)
Judge to Deliberate	= 10 mins (10 mins remaining)
Judge + Mediator's 's Comments / Feedback	= 15 mins (0 min remaining)

#### Rule 2.1.2 Breaks

Each Competing Team may take one (1) Break of no more than three (3) minutes during each Mediation Session. If a Team calls for a Break, both Competing Teams must leave the room during such Break. The Mediator, Coaches, other spectators attending the Mediation Session, and all other persons (save for the Organising Committee) must remain inside the room.



### Rule 2.1.3 Caucuses

Caucuses between the Mediator and the respective Competing Teams can be helpful in the mediation.

During each Mediation Session, the Mediator and the Competing Teams have the right to call for Caucuses in accordance with the following provisions:

- ❖ Caucuses can take place between the Mediator and both members of a Competing Team (a Caucus);
- ❖ Each Competing Team may call for one (1) Caucus during a Mediation Session and each Caucus may last no longer than five (5) minutes;
- ❖ During any Caucus, the Competing Team not part of the Caucus shall leave the room. The Judge, Coaches, and all other persons (save for the Organising Committee) shall remain inside the room;
- ❖ The Mediator may call one Causes with each of the Competing Teams during a Mediation Session;
- ❖ Competing Team members who are not participating in a Caucus may talk to each other outside the room during a Caucus;
- ❖ During the Caucus, the overall time of the Mediation Session shall continue to run.

<b>Summary Table of the Possible Caucuses and Breaks</b>				
<b>Caucuses</b>				
	<b>Team A</b>	<b>Team B</b>	<b>Duration</b>	<b>Who leaves the room</b>
Caucus requested by Team	1	1	5 min each	The Competing Team not part of the Caucus
Caucus requested by Mediator	1	1	5 min each	
<b>Breaks</b>				
Break requested by a Team	1	1	3 min each	Both Competing Teams

### Rule 2.1.4 Appropriate Use of Caucus

The purpose of mediation is to facilitate parties communicate directly. Competing Teams are therefore strongly encouraged to spend the majority of the Mediation in joint session. However, in certain circumstances, caucuses can serve as a valuable instrument in mediation. Competing Teams should request a Caucus if they feel that the Mediator's input may be useful in advancing the Mediation. Competing Team's reasonable use and non-use of Caucuses will be evaluated by Judges according to the Score Sheet.

A Caucus **should not** be used to seek clarification of the Competition Rules or any procedural matter. Examples of appropriate use of a Caucus include:

- ❖ Seek advice or guidance from the Mediator in relation to an issue or issues during the Mediation;
- ❖ Wishes to share with the Mediator facts, concerns, interests or information that are or might be relevant to the progress of the Mediation to determine how and when it might be best to present such facts or information to the other Competing Team;
- ❖ Wants to explore or make an offer/ proposal and/or explore with the Mediator how best to present the offer/ proposal with the Mediator.

### Rule 2.2 Judging Criteria

The Judging Criteria are applied to the performance of both the Solicitor and the Client in the Competing Team. The Judging Criteria are set out in the Score Sheet annexed to these Competition Rules. There is no requirement to reach a resolution or a settlement. No additional point will be given to parties even a resolution or settlement is reached.

### Rule 2.3 Mediator and Judges

In each Mediation Session, one Professional will serve as the Mediator and another Professional will serve as the Judge. In respect of the ancillary proceedings, the Judge shall give his / her indication on the issues in dispute; while in respect of the Competition, the Judge shall assess the performance of the Competing Teams.

The Organising Committee is responsible for selecting the Mediators and Judges and for allocating them to Mediation Sessions in each round of the Competition. Every attempt will be made for the Teams to face a different Mediator and different Judges in each round. This, however, is not guaranteed.

The Organising Committee will endeavour to ensure that the Mediators and Judges are neutral and impartial towards the Teams they are judging.

#### Rule 2.4 Timekeeping

The Mediation Session Supervisor, who shall report to the Organising Committee, shall be responsible for timekeeping of the Mediation Session. The Mediation Supervisor's decision on timekeeping shall be final.

#### Rule 2.5 Governing Law

The Problems may refer to real or fictional places. For the purposes of the Competition, Law of Hong Kong shall apply.

#### Rule 2.6 Handout

Unless otherwise authorised by the Mediation Session Supervisor, no Team shall be allowed to present any handout during the Mediation Session.

#### Rule 2.7 Admitted Material during the Mediation Session

For the Mediation Session, each Competing Team may bring and use its own prepared notes for its own use and may, if need be, make its own notes during the Mediation Session. No audio and/or video recording is allowed during the Mediation Session.

Tablets and computers are allowed in the room. However, regardless of the type of electronic devices brought into the Mediation Session, save for the Organising Committee, no video and/or audio recording is permitted in the room where the Mediation Session takes place. Photographing during the Mediation Session is also forbidden. This applies to the Teams, Coaches and Visitors. While the Competing Teams are at liberty to use AI technologies to assist with their case preparation, use of AI technologies **during** the Mediation Sessions is strictly forbidden.

Only the Judge, the Mediator and Volunteer(s) with an active role in the Mediation Session and the Organising Committee shall be exceptions of this Rule, to the extent that is necessary for performing their duties for the Competition.

## Rule 2.8 Permissible Assistance to Teams by Coaches

The Coach(es) may advise and assist their Team in its planning and preparation for the Competition, including in advance of the Final Round.

## Rule 2.9 Prohibited Assistance

Any person associated with a Competing Team, including Coach(es), **must not** offer any advice, help or communicate with the Competing Team during the Mediation Session. Any breach of this rule will lead to immediate and automatic disqualification of the Competing Team from the Competition.

## Rule 2.10 Observing

Unless otherwise specifically allowed by the Organising Committee, any person who is not a Competing Team member, Coach, Mediator, Judge, Visitor or Volunteer shall not be permitted to attend the Competition, including the Mediation Sessions.

The Organising Committee shall at its absolute discretion decide whether any person maybe allowed to observe a specific Mediation Session and in taking the necessary actions to ensure all participants act in a fair and unbiased way during the Competition.

During the Preliminary Rounds, Teams and Coaches may only attend the Mediation Sessions in which their Team is competing. Attending any other Mediation Session in the Preliminary Rounds is strictly prohibited.

Any person associated with a Competing Team, including the Coach(es) should choose seats from which they cannot be seen by the Competing Team associated with them. The Organising Committee will have the final determination as to the seating arrangements.

During the Final Round, all Competing Teams who did not make it into the Final Round shall be at liberty to attend and observe the Final Round.

## Rule 2.11 Judges' Scoring

The Judge shall announce the result immediately following each Mediation Session, with flexibility to be given for the Judge to finalise the scoring.

The Judge must check that the Score Sheets are correctly filled in and that their calculations are correct before handing them to the Mediation Session Supervisor.

During the Preliminary Rounds, Judge shall also score the performance of all Competing Teams for the Special Advocacy Award.

In case of doubt of miscalculation, the Organising Committee has complete discretion in interpreting and/or correcting the Score Sheets without consulting the Judge concerned, unless it has an impact on the outcome of that Mediation Session (Win or Lose).

## Rule 2.12 Judges' and Mediators' Feedback

Following the conclusion of the Mediation and before the Judge announces the result of each Mediation Session, the Judge and the Mediator shall provide feedback to the Competing Teams. Feedback will be based on each Competing Team's performance in the Mediation Session.

Judges must not reveal any Team's scores. During their feedback, Judges may refer to the Confidential Information relating to the Problem that was discussed during the Mediation only to the extent that such Confidential Information was disclosed therein by a Competing Team.

If a Judge decides to impose a Penalty on a Competing Team, according to the procedure laid out in

Rule 6 **Penalties and Disqualifications** below, they should inform the concerned Competing Team accordingly during the feedback. The Judge should explicitly indicate the Rule violated but should not indicate the number of points subtracted.

## Rule 2.13 Competition between Participants

The Competition is a learning event designed to foster the free flow of ideas, experience and expertise amongst students and Professionals from diverse backgrounds.

Accordingly, the Organising Committee strongly encourages participants and Professionals to discuss and exchange ideas outside the Mediation Session, subject always to the principles of independence, impartiality and neutrality.

Professionals are invited to share their insights with students about a particular Mediation Session or their practice in general. Professionals must not reveal to any Team its or any other Team's scores for a particular Mediation Session or the content of any Confidential Information, save as pursuant to Rule 2.12.

Teams are also under a duty of confidentiality and must not reveal the Confidential Information outside the Mediation Session.

### **Rule 2.14 Winning the Preliminary Rounds**

The Team with the greatest number of points will be the winner of that Mediation Session and shall be qualified to proceed to the next round in the Competition.

## **Rule 3 Competition Problems**

### **Rule 3.1 Problems**

Each Problem will consist of General Information for both the Competing Teams and separate Confidential Information for each of the Competing Teams in a Mediation Session.

Judges shall receive copies of the General Information and the Confidential Information for each Competing Team of the Mediation Session and shall read these prior to the Mediation Session. Mediator shall only be provided with the General Information.

Teams, Coaches, Professionals and any person who knows the Confidential Information may not directly or indirectly disclose any Confidential Information to any other person, save that disclosure of such Confidential Information is permitted: (i) by the Competing Teams during the Mediation Session; or (ii) by the Judge during their feedback as per Rule 2.12 above.

Any breach of this rule will lead to immediate and automatic disqualification of the Competing Team from the Competition.

### **Rule 3.2 Clarification of the Problems**

Each Team may submit to the Organising Committee by 31 November 2024 a maximum of one written question for clarification or interpretation of either the General Information or the Confidential Information per Problem. Clarifications can only be made in respect of ambiguities and/or possible errors, but not for additional information. The Organising Committee shall at its complete discretion decide whether to respond to such request.

### **Rule 3.3 Staying within the Record**

The Problems are self-contained and include all relevant information and facts. Competing Teams are strictly forbidden to:-

- ❖ Deviate from the facts;
- ❖ Create their own facts/ information;
- ❖ Misrepresent the facts;
- ❖ Deny facts / information contained in the General and/or Confidential Information.

However, the Competing Teams may draw their own reasonable interpretations and conclusions from the Problems. During the Mediation Session, Competing Teams are

encouraged to use all information that they deem relevant and appropriate. Nevertheless, they may, at that juncture of the Mediation Session, state that they do not have certain information or choose not to disclose their Confidential Information.

Teams are discouraged from carrying out research into the factual matrix of the Problem. If, however, they decide to do so, any information presented should be limited to the strict minimum necessary to advance the Mediation and to find creative solutions to the Problem, while staying within the Problem facts.

The Judge shall at his/her sole discretion decide whether the Competing Teams have respected this rule.

## **Rule 4 Participation and Eligibility**

### **Rule 4.1 Eligible Students**

The Competition is designed as an educational initiative that seeks to provide unique educational and training experiences to full-time university students before they embark on their professional paths.

This Competition is open to all current LLB / Juris Doctor / PCLL students attending universities in Hong Kong.

## **Rule 5 Judges and Mediators**

### **Rule 5.1 Neutral, Impartial and Independent**

The Organising Committee shall at its full discretion appoint and/or remove Judges and/or Mediators prior to any Mediation Session.

Once selected, all Judges and Mediators shall confirm to the Organising Committee that they are and shall remain neutral, impartial and independent to judge and/or mediate in the Competition.



## **Rule 5.2 Training, Assistance and Support to Students**

Once appointed, no Judge and/or Mediator maybe allowed to advise and/or assist any Competing Team in their planning and/or preparation for the Competition.

## **Rule 6 Penalties and Disqualifications**

Competing Teams should ensure that these rules are followed, failing which a team maybe subject to penalty and/or disqualification for breach. A maximum of ten (10) points maybe deduced from a Competing Team's score in any Mediation Session for acting in breach of these rules. If, however a Competing Team acts in breach of Rules 2.9 and Rule 3.1, such team shall be automatically disqualified from the Competition.

Disqualification of a Competing Team may only be imposed by the Organising Committee. The Organising Committee may, on its own motion or as recommended by one or more Judges, at its absolute discretion determine whether a Competing Team is to be disqualified from the Competition.

## **Rule 7 Awards**

The Organising Committee shall make arrangements for appropriate recognition of Teams that achieve 1<sup>st</sup> Place, 2<sup>nd</sup> Place and the Special Advocacy Award.

After the Competition, the Organising Committee shall issue a formal Certificate of Participation in the Competition (except in the case of disqualification) to all Team members.

## **Rule 8 Organising Committee**

The Organising Committee may take other measures as are required for the orderly conduct of the Competition. Furthermore, the Organising Committee's interpretation as to the implementation of the Rules is final and conclusive.

**- End -**

## Annexure I – Score Sheet

MARKING SHEET for ____ / MAR / 2025	Round				
Judge Name	Team Name				
Score	4	3	2	1	0
Description	Excellent	Good	Satisfactory	Poor	N/A
Make an opening statements which presents relevant information / legal position. Indicate openness to negotiate					
Assert legal interests in constructive manner.					
Adapt to new information					
Identify and assert BATNA					
Consistent with roleplay information. General and confidential.					
Work effectively together as a team - solicitor and client					
Seeking information and clarification from other party					
Communicate constructively displaying active listening and reframing skills					
Uses problem-solving skills to come up with options and make proposals					
Generates appropriate options which reflect own interests and those of the other party					
Resists premature evaluation of proposals					
Works to fine-tune potential agreements					
If agreement reached, clarity and certainty around terms: including, if needed, amount/ date / timeframe / contingencies					
Demonstrates good understanding of the MFDR process					
Demonstrates good understanding of mediation principles					
Demonstrates appropriate use of mediator including appropriate calling for and use of separate meetings					
Demonstrates appropriate use of information from Judge					
Demonstrates understanding of different roles of client/ solicitor					
<b>Sub totals</b>					
<b>Total</b>					
<b>Special Advocacy Award Nomination for solicitor</b>					
Solicitor demonstrated excellent understanding of mediation / MFDR process / mediation process / management of client / working with other professional / constructive communication skills / excellent professional skills as advocate / effective problem solver / creative options					
I nominate: _____					