



**2ND EDITION OF THE STRATHMORE DISPUTE RESOLUTION CENTRE MEDIATION
MOOT COURT COMPETITION RULES 2024**

Date: 28th to 30th August 2024

Venue: Strathmore University Law School

Theme: Alternative Dispute Resolution & the Future

Strathmore Dispute Resolution Centre

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1. INTRODUCTION, GOALS AND OVERVIEW OF THE COMPETITION

- 1.1. The Strathmore Dispute Resolution Centre (“SDRC” / “Centre”) is an Alternative Dispute Resolution Centre (“ADR”) at the Strathmore Law School (“SLS”) focused on facilitating and promoting Mediation and other forms of ADR as a form of settling disputes and conflicts between individuals, within groups and in organizations. Established in 2012, the Centre’s key objective is the promotion of mediation as an efficient, sustainable, and cost-effective dispute resolution mechanism in Kenya and the wider East Africa.
- 1.2. In the execution of the above mandate, SDRC offers several dispute resolution services all geared towards the realization of the Centre’s vision of becoming a top tier dispute resolution hub, able to transform society and bring justice closer to the people. For more information, visit <https://sdrcl.strathmore.edu/>.
- 1.3. The SDRC, through its Committee in charge of moot court competitions (the “Organizing Committee”) has organized the 1st Annual Strathmore Dispute Resolution Centre ADR Research Colloquium 2024 (“SDRC Colloquium 2024”) to take place on **29th and 30th August 2024** at Strathmore Law School. The Centre has incorporated the 2nd Edition of its Annual SDRC Mediation Moot to form part of the colloquium. The Moot will commence on **28th August 2024** (“Commencement Date”).
- 1.4. SDRC believes that the Competition will allow students with different backgrounds and academic trainings to have the opportunity to enhance their mediation skills in a research-related international setting.

2. PARTICIPATION & ELIGIBILITY

2.1. Eligible Participants

- 2.1.1. The competition is open to both full-time and part-time undergraduate students duly registered in a university and/or institution of higher learning at the time of Application.
- 2.1.2. Whereas the competition is not restricted to law schools only, each Competing Team must have at least one student who is pursuing a degree in law, to perform the role of counsel of the Negotiators Team in the Mediation Sessions.
- 2.1.3. Students who have recently graduated with a law degree and are currently in bar school but have not undertaken their bar exam are eligible to participate.



2.1.4. The Moot Organising Committee (“the Organizing Committee”) has the discretion to demand for information to confirm the eligibility of a student, as stipulated in Rule 2.1.2 and 2.1.3 above. Failure to comply with such a request may lead to disqualification of the entire team, and the Organizing Committees’ decision is final.

2.1.5. Team members and Coaches are not required to have the same nationality, or have nationality of their university, or from the same University. With respect to students from different universities who form a single team, they will be deemed to be students at the registered university for the purpose of this competition.

2.2. Team Composition

2.2.1. Each Competing Team may have a minimum of 3 and a maximum of 5 members.

2.2.1.1. All Competing Teams must be composed by at least 3 students to allow the same Competing Team to perform simultaneously (if 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.

2.2.2. Students 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.

2.2.3. Each University shall only present one team to the competition. However, the Organizing Committee, may at its discretion, request a University to present an additional team, or upon application, allow a University to present two teams.

2.2.3. The decision of the Organizing Committee in respect of Rule 2.2.3 above shall be final and not subject to appeal.

2.3. Team Coach

2.3.1. Whereas it is not mandatory, teams are encouraged to have a designated team coach.

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



3. TEAM APPLICATION, ADMISSION AND REGISTRATION

- 3.1. Teams interested in competing must apply online through <https://forms.gle/76PkpW2L1t9Ls38W7> on/ or before **7th June 2024**.
- 3.2. The Organizing Committee reserves the right to extend such deadline at its sole discretion.
- 3.3. Only one team may apply from a university, except as provided for in Rule 2.2.3. & 2.3.4 above.
- 3.4. Application is free of charge.
- 3.5. All the teams duly registered will be notified by **9th June 2024**. If a team does not receive the confirmation e-mail, please email Daniel M. Nzeki through dnzeki@strathmore.edu.

4. FORMAT OF THE COMPETITION

4.1. Written Statements/Memorial

- 4.1.1. The official language of the Competition shall be English.
- 4.1.2. Each Competing Team will be required to submit to the Organizing Committee a Written Statement/Memorial based on instructions provided when the problem is released. The purpose of the Written Statement is to prepare the mediator and the parties for the mediation session.\
- 4.1.3. The Written Statement/Memorial shall be submitted by no later than **August 5th, 2024**.
- 4.1.4. The Written Statements/Memorials will be scored by Judges in advance to the Competition in accordance to the scoring criteria to be defined by the Organizing Committee.
- 4.1.5. The score given to each Negotiators Team's Written Statement/Memorials will be factored in the total score of the respective Negotiators Team during the general rounds.

4.2. Oral Rounds

- 4.2.1. All the oral rounds of the Competition will be conducted in **Strathmore University Law School, Nairobi, Kenya, from 28th to 30th August 2024**.
- 4.2.2. In every Mediation Session, three (3) Competing Teams will submit as follows. Two (2) of the Competing Teams will be act as a Negotiators Team, representing



the parties involved in the Problem, while the other Competing Team will submit as a Mediator Team.

4.2.3. While acting as a Negotiators Team in a given Mediation Session, only 1 member of each Competing Team will be allowed to participate as counsel and 1 member of each Competing Team will be allowed to participate as client.

4.2.4. When acting as Mediator Team in a given Mediation Session, only 1 member of each Competing Team will be allowed to act as a sole Mediator.

4.2.5. In line with Rule 2.1.2, only law students are allowed to perform the role of Counsel. However, without prejudice to the Rule 2.1.2, all Competing Teams are at liberty to choose, throughout all rounds of the Competition, which member of the team will be acting as Counsel and Client, if performing as a Negotiator Team, and as Mediator, if performing as Mediator Team.

4.3. Mediation Session Procedures

4.3.1. The Competition consists of Preliminary Rounds, the Quarterfinals, the Semi-Finals, and the Final. Depending on time constraints and the number of teams registered, Quarter-Finals may or may not be organized. This will be at the discretion of the Organizing Committee.

4.3.2. During the Preliminary Rounds, every Competing Team will compete 3 times, 2 times as a Negotiators Team (one time for each party) and 1 time as a Mediator Team.

4.3.3. At the Quarter-Finals, (if decided so), the 8 teams that achieved the highest scores as Negotiators Team and the 4 teams that achieved the highest scores as a Mediator Team during the Preliminary Rounds will advance to the Quarter-Finals.

4.3.4. The 4 teams that achieved the highest scores as Negotiators Team and the 2 teams that achieved the highest scores as a Mediator Team during the Preliminary Rounds – or Quarter-Finals if Quarter-Finals are organized – will advance to the Semi-Finals.

4.3.4.1. The Organizing Committee will organize the Quarter-Finals and Semi-Finals in such a manner that no Mediator Team mediates a session where the Negotiators Team from the same university of the Mediator Team is performing.



- 4.3.4.2. The Organizing Committee will do its best to organize the Quarter-Finals and Semi-Finals in a way to avoid that (i) Negotiators Teams that have already competed in the Preliminary 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 Preliminary Rounds.
- 4.3.5. The 2 Negotiator Teams 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.
- 4.3.6. 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. The Final Rounds and the award ceremony will be held at the main research colloquium.
- 4.3.7. In case the winning Mediator Team represents the same university of one of the Negotiator Teams 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 Negotiator Teams participating in the Final Round, the third highest scored Mediator will conduct the Final Round.
- 4.3.8. The Organizing Committee will decide, at its own discretion, which 3 Competing Teams will perform in each Mediation Session at the Preliminary Rounds, and whether as a Negotiators or Mediator Team.
- 4.3.9. 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 Preliminary Rounds, the Quarter-Finals (if applicable), the Semi-Finals and the Final Rounds.

5. TIME

- 5.1. Each Mediation Session will have a total time of 110 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 10 minutes the Judges will provide feedback.



6. BREAKS & CAUCUSES

- 6.1. Caucuses between the Mediator and the Parties and/or their advisors can be helpful in mediation.
- 6.2. During each Mediation Session the Mediator and the Competing Teams have the right to call for Caucuses in accordance with the following provisions:
 - 6.2.1. Each Caucus may last no longer than five minutes;
 - 6.2.2. During any Caucus the Mediation Session Supervisor and the Competing Team or the members of the Competing Teams not part of the Caucus shall leave the room. The Judges, Coaches, other Team members, and all Observers will remain in the room;
 - 6.2.3. Caucuses can take place between the Mediator and both members of a Competing Team (a Caucus);
 - 6.2.4. Caucuses can also take place between the Mediator and either the Counsel from both Competing Teams or the Clients from both Competing Teams (a Cross-Caucus);
 - 6.2.5. Each Competing Team has the right to call for one Caucus and for one Cross-Caucus during a Mediation;
 - 6.2.6. The Mediator may call for one Caucus with each of the Competing Teams during a Mediation. The Mediator may also call for one Cross-Caucus with the Counsel from each Competing Team and one Cross-Caucus with the Clients from each Competing Team during a Mediation;
 - 6.2.7. Competing Team members who are not participating in a Caucus may talk to each other outside the room during a Caucus;
 - 6.2.8. During the Caucus the overall time of the Mediation Session continues to run.
- 6.3. Competing Teams should call for a Caucus when they consider that they need input from the Mediator during a Caucus to progress the Mediation. They are however strongly encouraged to spend most of the Mediation in joint session in order to be able to communicate directly with the other Party.
- 6.4. A Competing Team's reasonable use and non-use of Caucuses will be evaluated by Judges according to the Score Sheet. Often, the decision not to call for a Caucus might be more sensible within the circumstances of the specific Mediation than to call for a Caucus.



- 6.5. A Caucus should not be used to seek clarification of the Competition Rules or any procedural matter.

7. JUDGING CRITERIA

- 7.1. The Judging Criteria are applied to the performance of both the Counsel and Client in the Competing Team and are set out in the Score Sheet annexed to the Competition Rules.
- 7.2. There is no requirement to reach a resolution or a settlement or reward for this.

8. JUDGES & SCORING

- 8.1. Competing Teams will be evaluated by Judges, who will be selected by the Organizing Committee.
- 8.2. Besides scoring the Competing Teams, Judges are also responsible for keeping the time of each Mediation Session.
- 8.3. There will be 3 Judges for each Mediation Session, except for the Final Rounds, which will have at least 5 judges and a maximum of 9. However, at the discretion of the Organizing Committee and depending on the availability of judges, a session can be judged by two judges.
- 8.4. The Organizing Committee will endeavour 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.
- 8.5. Judges shall be neutral and impartial. As such, Team Coaches cannot act as judges.
- 8.6. Judges will evaluate the Competing Teams based on the criteria set out in the Score Sheet to be prepared by the Organizing Committee.
- 8.7. 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.
- 8.8. Judges shall evaluate and score the Mediation Session once everyone including the Competing Teams, Coaches and any observers have left the room.
- 8.9. 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.

9. AWARDS & PRIZES

- 9.1. At end of the Competition, the following Awards and Prizes will be granted:
 - 9.1.1. 1st Prize Negotiation (Winning Negotiators Team).
 - 9.1.2. 2nd Prize Negotiation (Runners up Negotiators Team of the finals).
 - 9.1.3. 3rd Prize Negotiation (Negotiators Team from the Semi-Finals which did not make to the Finals, but had the 3rd highest score)
 - 9.1.4. 1st Prize Mediation (Winning Mediator Team of the Semi-Finals).
 - 9.1.5. 2nd Prize Mediation (Second highest score Mediator Team of the Semi-Finals).
 - 9.1.6. 3rd Prize Mediation (Third highest score Mediator Team of the Preliminary Rounds).
 - 9.1.7. Best Counsel (for the individual that had the best performance as counsel during the entire Competition).
 - 9.1.8. Best Client (for the individual that had the best performance as client during the entire Competition).
 - 9.1.9. Best Written Statement (for the Negotiators Teams whose Written Statement received the highest score).
 - 9.1.10. Best Teamwork (for the Negotiators Teams with the best teamwork during the Competition).
- 9.2. 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 at least two sessions of the Preliminary Rounds, once as Claimant and once as Respondent.

10. COMPETITION PROBLEMS & APPLICABLE RULES

- 10.1. The Problem will not rely on the analysis of national or international governing law or applicable law.
- 10.2. The moot mediation will be conducted pursuant to the Strathmore Dispute Resolution Centre Mediation Guidelines available on the SDRC website, and can be accessed through: <https://sdrc.strathmore.edu/download/mediation-guidelines/>
- 10.3. Each Problem will consist of General Information for both Parties and separate Confidential Information for each of the Requesting Party and the Responding Party.
- 10.4. Judges shall receive copies of the General Information and the Confidential Information for each Party and shall read these prior to any Mediation Sessions.



- 10.5. Mediators shall receive the copies of the General Information and shall read this only. For logistical reasons, Mediators might also receive copies of the Confidential Information, but they should not read them.
- 10.6. Six Problems will be sent to all Teams before the start of the Competition. All Teams will receive General and Confidential Information for the Preliminary Rounds in advance. General Information for the Quarter-Final, the Semi-Final and Final will also be sent in advance. Confidential Information and assignment of roles for each of the Final Rounds however will be provided at the end of the Preliminary Rounds, the Quarter-Finals and Semi-Finals respectively.
- 10.7. Teams, Coaches, Professionals, Judges, members of the Organising Committee and anyone else who knows the Confidential Information may not directly or indirectly disclose any Confidential Information to any other person, save that disclosure by Teams during a Mediation and comments on such disclosures by Judges during their feedback are permitted.

11. GOVERNING LAW

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21. ORGANIZING COMMITTEE

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

[END]