

10th ICC International Commercial Mediation Competition

Once again, an ambitious team of the University of Fribourg set out for Paris to compete in the ICC International Commercial Mediation Moot Court. This year marked the 10th anniversary of this competition and a record number of participants (over 500) from all over the world (over 40 countries) took part in it. Apart from the competing students, some of the world's leading commercial mediators and corporate representatives were also present. Various prestigious law firms such as Clifford Chance, KPMG and many more regularly host sessions and cocktails in their respective venues. Their financial support is what made this event possible.



The University of Fribourg team and the Fatih University team after their session on the first case, Space Race.

This year's moot court took place from the 6th to the 11th of February 2015 in Paris, France. The competition allows students to become familiar with mediation techniques and to learn from professionals.

The four students representing University of Fribourg are all studying law. Remo Jäger is in the Masters programme, whereas the other three are in their last year of the Bachelors programme. Starting in August 2014, the team prepared during 6 months for the competition. At the beginning, the very basics of mediation were learned. In the next stage of preparation, cases from previous years were practiced in order to become familiar with the mediation techniques, to learn the role sharing in the team as CEO and Counsel and to accustom themselves to 85 minutes sessions. Initially, the four participants competed against each other, and later on against previous teams from the University of Fribourg. The team would like to thank the former participants and the Mediator Nathalie for taking their time to come to the meetings, for giving us valuable advice and sharing their experience.

Upon receiving the competition cases (End of November 2014), the team started preparing them: A full analysis of each case was made: determining the interests of both parties involved, the best alternatives to a negotiated agreement (BATNA), pondering what potential confidential information the other party might have etc. By January 20th they also had to send in their Mediation Plan, which was marked by the judges in each session. The Mediation Plan consisted in: BATNA and interests of both parties, division of responsibilities and tactics between CEO and Counsel and Mediation Strategy.

The team of Fribourg arrived in Paris two days before the beginning of the competition in order to practice two cases against the Faculdade de Direito de Vitoria team

form Brazil (a University that competed against Fribourg last year). This allowed the team to make some final improvements and to boost their self-confidence in competing against other teams. Furthermore, both teams got along well and are still in touch now. The rest of the available time was then invested to make final adjustments to the opening speeches and to memorize them. Moreover a point-by-point strategy was established.

This year, the team competed against five universities: Fatih University (Turkey), Maastricht University (The Netherlands), University of Hannover (Germany), Jagiellonian University (Poland) and Leiden University (The Netherlands). Each of these teams used different mediation techniques and challenged our team in its own way. Each session lasted 85 minutes and started with the opening statements of both parties. Those were followed by an information gathering period and completed by the solution finding process. In the aftermath of the sessions, judges and mediators gave useful feedback to the teams. On some occasions, the team even had the opportunity to have a conversation with these professional mediation practitioners outside of the sessions regarding their career path and additional advice was given for the team member's academic and professional future. After every session, the Coaches gave their own constructive feedback and the team members tried to copy some of the opponents' moves that the judges complimented. With each session, the team made progress. The stronger the opponent was, the more challenging they were, the more motivated the team was.



The team from University of Fribourg (from left): Remo Jäger, Jonas Vetter (coach), Francesca Borio, Marcel Stucky, Stefan Diezig (coach), Alexandre Meldem.

Unfortunately and regardless to the effort the team put in it, the University of Fribourg did not make it pass the primaries. Needless to mention the disappointment the team felt. Nonetheless the conclusion that all team members draw from this completion, is that it had a lasting impact on them. There is no regular course that deserves to be qualified as an equally enriching experience. Anticipating what your opponent's moves are, what their interests might be etc.: all of these skills are essential for any law student planning to become a successful lawyer. Moreover, since the ICC Moot Court did not place too much emphasize on legal matters, it helped the students understand that in some situations, it is better to talk with each other, hear the other side of the story, in order to avoid unclear outcomes of court proceedings.

Finally, the team would like to thank their coaches Jonas Vetter and Stefan Diezig for not being shy to point out weaknesses in their defence strategy and for all their dedication and effort they put into this competition. Many thanks also to Alexandra Rumo-Jungo and the Peter Jäggi Foundation.

Remo Jäger, Francesca Borio, Alexandre Meldem, Marcel Stucky