



2019
National Mediator Competition

RULES and MATERIALS

National Mediator Competition

Rules

Format

- Each round will consist of a 120-minute Mediation Session. This competition seeks to give a more “real world” approach to mediation competitions. Other than the Mediator’s Opening Statement, and Opening Statements by the Parties, there are no “prescribed” elements to the Session. Mediators and Teams may call caucuses or attorney-client conferences as many times as they like and the caucuses or conferences may last as long as the Mediator and/or Teams choose. The longer Session and the unlimited number of caucuses and/or attorney-client conferences allow the Session to develop more similarly to an actual mediation. At the close of the Session, there will be a 10-minute critique period for the mediator judge to give comments to the student mediator competitor. The critique period is NOT part of the 120-minute Mediation Session.
- Due to the potential for disruption of the competition, coaches and/or other observers are prohibited from leaving the room from the beginning of the Mediation Session until completion of critique by the judges, including during any caucuses or attorney-client conferences.

Rounds

- The competition will consist of two preliminary rounds, a semi-final round, and a final round. Each mediator will participate in the two preliminary rounds, with the top four mediators advancing to the semi-final rounds. The top two mediators in the semi-final rounds will then compete in the final rounds (which will run back-to-back). These will also be the final rounds for the Newhouse Representing Clients in Mediation Competition. The Newhouse Competition, which is only open to University of Houston Law Center students, runs concurrently with the National Mediator Competition.
- Sample Round
The listed times are only suggested allocations.

Mediator’s Opening (<i>required</i>)	10 minutes
Plaintiff’s Opening Statement (<i>required</i>)	10 minutes
Defendant’s Opening Statement (<i>required</i>)	10 minutes
Mediation Session (<i>including caucuses and conferences</i>)	90 minutes
Judges’ Critique Period (<i>required</i>)	10 minutes

Eligibility

- The competition is open to all full and part-time law students enrolled in ABA approved law schools during the semester in which the competition is held.

- Students enrolled in joint degree programs (JD/MA, JD/MBA, etc.) that have not graduated from law school and are enrolled in the joint program for the semester in which the competition is held are also eligible to compete.

Problems

- Each competition round will involve a new problem/fact pattern. All mediators in each round will use the same problem.
- The preliminary problems will be distributed one week prior to the competition. Each problem will consist of:
 - (1) General information for all participants; and
 - (2) Confidential information for each side provided solely to each party and their counsel (competing teams).
- Mediators will receive the general information only. The general information for the semi-final and the final rounds will be distributed to the competitors who advance once the semi-finalists have been announced.

Orientation

- An Orientation will be provided for volunteer judges and for law student participants and their coaches and/or faculty advisors before the competition begins.
- During the Orientation, all student participants will be afforded the opportunity to ask questions. The Competition Coordinator will have complete discretion in answering questions related to the problem and rules. However, no new facts will be added to the problems.
- While the student participants may not make up entirely new facts, the facts in the problem are subject to reasonable interpretation, and mediators should be familiar enough with the facts to follow along accordingly. Whether a team's interpretation of the facts is reasonable is a matter entirely within the discretion of the judges and is not reviewable.

Permissible Assistance

- The mediator coach and/or faculty adviser may advise the mediator in his/her planning and preparation for the competition, including the semi-final and championship rounds.
- Coaches may provide advice to their mediator in advance of the individual rounds, including the semi-final and championship rounds, but may not provide any such assistance once a Mediation Session has commenced.
- No participant or other person identified with a competing school may attend a Mediation Session of any other team. After a competing school has been eliminated from the competition, persons from that school may, and are encouraged to, observe any remaining competition rounds.
- Violation of these rules will result in disqualification. Harmless error will not be a defense to a complaint based on a rule violation because of the appearance of impropriety occasioned even by casual exchanges unrelated to the substance of the mediation.

Judges

- In each Mediation Session, judge(s) will observe and score the quality of facilitation by the student mediator.
- Judge(s) also give feedback directly to the students after the Mediation Session ends. The judge(s) will evaluate the performance of the student participants according to the standards and criteria provided. (See sample Judge's Score Sheet attached.) Every attempt will be made for the mediator not to have the same judge in more than one round of the competition.
- A judge may be recused just before a Mediation Session begins if the judge has had any prior connection with a mediator or coach.

Observers

- Observers may not communicate with mediators at any time during the Mediation Session or critique periods.
- If a mediator is seen communicating with an observer during the Mediation Session, the mediator will automatically be disqualified from the competition.
- The nature of the communication will not be a defense to a complaint based on violation of this rule. It is the participating student's obligation to convey these rules to any observer associated with the individual mediator or school.
- Observers are required to remain in the competition room until the end of the Mediation Session. If an observer leaves the room for any reason, s/he is prohibited from re-entering the room or having any contact with the competitors until the Mediation Session is completed.

Timekeeping

- Responsibility rests with the mediators for timekeeping and adherence to the allotted time periods for each Mediation Session. However, judges should keep track of the elapsed time so they may halt a Mediation Session if it exceeds the allotted time.
- Decisions by the judges with respect to elapsed times are final and non-reviewable.

Scoring

- For each Mediation Session, each judge rates the performance of each mediator on the designated criteria, with a maximum of 100 points awarded. The criteria on which the mediator will be judged are set out in the accompanying sample of the Judge's Score Sheet.
- Failure to reach settlement at the end of the Mediation Session will not result in a lower score.
- Judges must independently score the mediator and are not allowed to confer with the other judges while completing the Judge's Score Sheet.
- Each judge must total his or her own scores for each mediator.

Winning a Round

- The mediators with the four highest cumulative scores after the two preliminary rounds will advance to the semi-finals. The mediators with the top two scores in the semi-final rounds will then advance to the back-to-back final round.
- In the semi-final round, the mediator's score will be determined by averaging the scores of the judging panel.
- In the final rounds, the judging panel will confer and select the winning mediator.

Ranking of Mediators

- Mediators will be ranked after the preliminary rounds and semi-final rounds based on Total Overall Points. In the event a tie-breaker is needed, the first tie-breaker will be based on Total Number of Points Earned in the Mediator's Overall Skills Category. If an additional tie-breaker is needed, it will be based on Total Number of Points earned in the Introductory Statement Category.

Anonymity

- Participants should not identify the school they represent until after the end of the final round of the competition.
- Participants must therefore refrain from wearing or carrying anything with the school name, logo or other identifying symbol, including school briefcases or note pads. Participants may only refer to themselves by their first names and the team letter they have been given by the competition director.
- This rule applies to all events associated with the competition, including receptions and meals that occur before or during the competition. Participants shall make an extra effort to remain anonymous during any social events scheduled during the competition.



National Mediator Competition Judge's Score Sheet

Round _____ Mediator # _____

Mediator's Opening

(Score each category from 0-4 points; MAXIMUM 20 POINTS TOTAL)

Score

Mediators Welcome <ul style="list-style-type: none"> • Welcome Statement • Logistics Covered (Introductions, Conferences, Restroom Location, etc.) • Rapport Established 	
"Rewarding Process" Portion <ul style="list-style-type: none"> • Cooperative Effort Message • Potential for Good Result 	
Neutrality <ul style="list-style-type: none"> • Explanation of the Role of Neutrality in the Mediation Process • Faith in Mediator's Ability to be Neutral Being Crucial to the Process 	
Explanation of the Role of the Mediator <ul style="list-style-type: none"> • Third Party Neutral (Facilitating Communication) • Not Judge or Jury 	
Explanation of the Mediation Process <ul style="list-style-type: none"> • What it is? / What it is not? • Joint Sessions / Caucuses / Conferences • Confidentiality 	
Sub-Total (do not exceed 20 points)	

Initial Party Presentations

(Score each category from 0-4 points; MAXIMUM 20 POINTS TOTAL)

Score

Party Venting	
Active Listening	
Invites and Manages 2-Way Exchange of Communication	
Summarizes; Able to Reframe Communication into Neutral Language	
Overall Ability to Handle Initial Party Presentations	
Sub-Total (do not exceed 20 points)	

General Sessions and Caucus Sessions

(Score each category from 0-6 points: MAXIMUM 30 POINTS TOTAL)

Score

Demonstration of Consistent Concern for Party Comfort	
Ability to Ask “Open-Ended” Questions	
Proper Use of Caucus Sessions <ul style="list-style-type: none">• Manage Risk Analysis• Test BATNA• Reality Testing	
Proper Use of Joint Sessions <ul style="list-style-type: none">• Encourage Creative Solutions• Build Agreements• Help Parties Overcome Impasse	
Reminds Party of Caucus Confidentiality	
Sub-Total (do not exceed 30 points)	

Mediator’s Overall Skills

(Score each box from 0-6 points; MAXIMUM 30 POINTS TOTAL)

Score

Mediator’s General Ability (Advocate for Settlement)	
Ability to Build Rapport with the Parties	
Encouragement of Party Process – Focus Parties on Ability to Determine Own Outcome	
Responsibility for the Mediation Process	
No Responsibility for Settlement / Settlement Terms	
Sub-Total (do not exceed 30 points)	

Overall Score (Maximum of 100 Points)

TOTAL POINTS	
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Judge’s Name (Print): _____

Judge’s Signature: _____

Cell Phone No. (in case of scoring questions): _____ - _____ - _____