



**Train The Trainers
Bilingual Dispute Resolution
Competition 2020**





UH Law Center – BDRC Pilot

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AGENDA

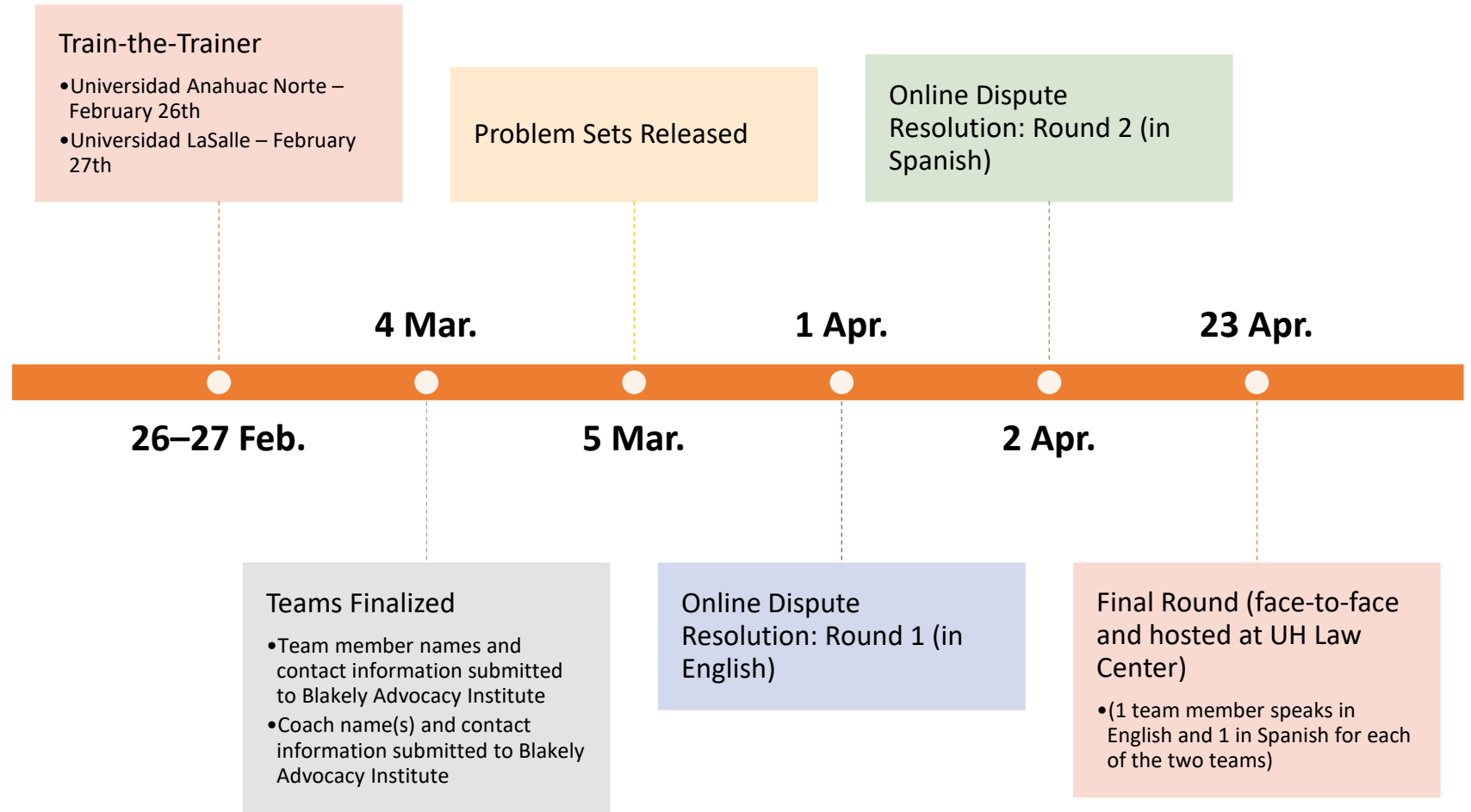
- Meet and Greet with attendees (30 minutes): Students, Coaches, Judges, Others
- Overview of BDRC
- Students Dismissed
- Workshop 1 hour 15 minutes – Coaches Training
- Workshop 1 hour 15 minutes – Judges Training
- Close Out – Next Steps



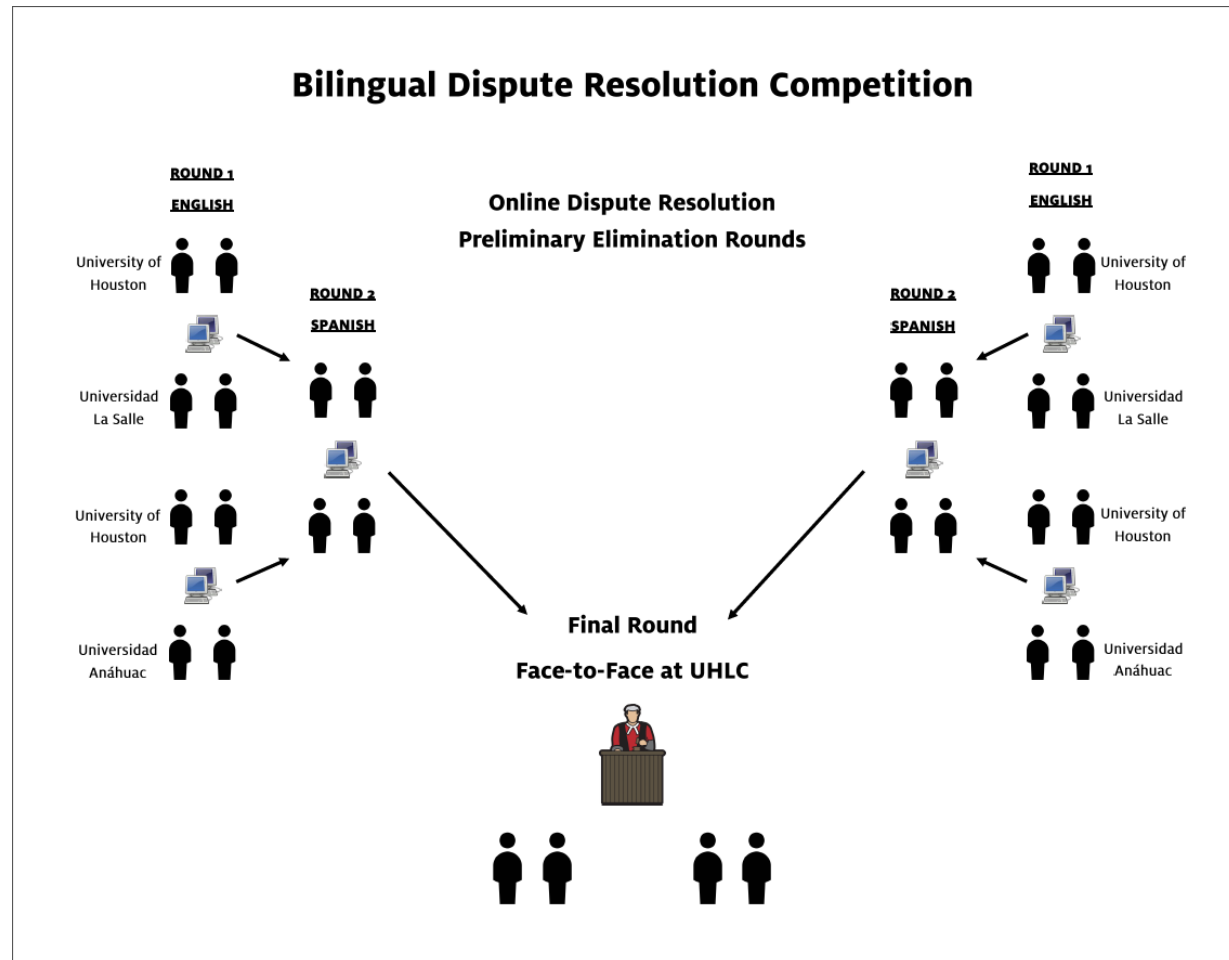
About the BDRC

- Spanish is second most prevalent language in Houston
- Spanish is challenging the English-only model in the U.S.
- Increasing multi-lingual business and communication
- Growing value of English/Spanish Bilingualism

Key Dates



Competition Outline



BDRC: WHY THIS COMPETITION?

Hispanic lawyers : more & more working opportunities in the U.S. and Mexico.

- **Greater demand from law firms in the U.S.**
- **Professional advantage of bilingual, binational, bicultural lawyers**
- **Few challenges though, but you can cope with them !**

- **Knowledge and understanding of respective legal systems:** e.g. the Mexican and the U.S.
 - Roman or Napoleonic codification
 - Anglo-Saxon system
- **Passing the exam** of the corresponding **bar**
- Special capacity of binational lawyers to **adapt to different legal cultures:** they normally have a **binational, bicultural or transnational training**
- They **will know what to do to succeed in the transaction**, to get the deal done

Binational lawyer or international lawyer?

Binational lawyer

- a term **increasingly used** in the United States, **comparative law has become an unparalleled tool**,
 - when **knowing the law of each country**,
 - but also **when integrating the comparison and anticipating obstacles or pitfalls**
- To this end, **the education and training of binational lawyers should seek to be as similar as possible in both systems of law.**
- **Knowledge of languages**
- **Controversy about a Binational lawyers**
- **Detractors: doesn't integrate** the relationship that may exist between different countries, but deals with two nations **juxtaposed or parallel**
- **Supporters:**
 - it represents an **even greater degree of integration**
 - binational lawyer can represent **the paradigm of the person who has assumed and integrated two legal cultures** and is **equally competent** in both

The skills and capacities of a binational lawyer:

- **Excellent student** with the intellectual interest of knowing how other legal systems work;
- **Good communicator**, knows how to move and adapt quickly to the environment, (work meetings, with clients, or in Courts);
 - Excellent communication skills: **expresses arguments in orderly and structured manner**, as a person used to work in different legal and cultural environments (comprehension)
- **Follows continuing education trainings** in the countries they are interested in (Bars, Professional associations), on national topics and comparative law topics
- **Complies with the accreditation or equivalences systems** by recognized authorities: JD, LLM, PhD. etc.
- Becomes an **expert in both countries at the same time**, or has been an expert in one specific field and **develops an expertise** in the other country's same field **afterwards**.

COACHING

Coaching: Team Selection



Hand-Selected by the Coach



Students Self-Select



Competition

Coaching: Problem Analysis



Understanding the Factual
Scenario



Rank-Ordered List of Client's
Interests (Essential, Would Like To
Have, Would Be Good To Have)



Best Alternative To A Negotiated
Agreement (BATNA)

Coaching: Practicing With the Team



Discuss and Practice Negotiation Strategy



Practice Against Other Students



Practice Against The Coach



Simulate Actual Competition Format

Coaching: Tips



Make Sure To Be Encouraging



Do Not Do The Work For Them



Analyze And Critique Their Performance



Remember: Advocacy Is An Art



Make It Fun!

JUDGING

BDRC judge

- Responsible for judging the rounds of the competition

Judging: Preparation



Online - Access



Competition Rules, Problems,
Confidential Information



Score Sheet

JUDGING

Regulatory: 25%

**Discretionary:
75%**

• Total = 100%

JUDGING: REGULATORY



**CALCULATED
SEPARATELY**



**JUDGES ARE NOT
RESPONSIBLE**

JUDGING: DISCRETIONARY



**Skills-Based
Negotiation Process**



Judges are responsible

NEGOTIATION PROCESS

- Are the Lawyers using good negotiation skills?
- Are they moving through the negotiation process effectively?
- Are they asking probing questions to facilitate resolution and settlement of identified issues?
- Are they working well with their co-counsel and collaborating effectively with the opposing team?



Score Sheet

I. Preparation and Working Atmosphere

The lawyers established the beginning of an effective professional relationship and working atmosphere with opposing counsel. The lawyers were prepared for the proceeding and appeared confident and comfortable.

1	2	3	4	5	6	7	8	9	10
(Poor)		(Fair)		(Average)		(Good)		(Excellent)	

Score Sheet

2. Case Analysis

The lawyers analyzed the case with creativity from both legal and non-legal perspectives

1	2	3	4	5	6	7	8	9	10
(Poor)		(Fair)		(Average)		(Good)		(Excellent)	

Score Sheet

3. Presentation of the Case

The lawyers presented the main points of the case concisely and effectively.

1	2	3	4	5	6	7	8	9	10
(Poor)		(Fair)		(Average)		(Good)		(Excellent)	

Score Sheet

4. Information Gathering

The lawyers were successful in exploring the other side's interests through asking questions and probing interests.

1	2	3	4	5	6	7	8	9	10
(Poor)		(Fair)		(Average)		(Good)		(Excellent)	

Score Sheet

5. Negotiation Process

The lawyers were successful in exploring options, representing their client's interests, and using flexibility to come to a deal.

1	2	3	4	5	6	7	8	9	10
(Poor)		(Fair)		(Average)		(Good)		(Excellent)	

Score Sheet

6. Team Work

The lawyers demonstrated the ability to work together, share responsibility, and communicate with each other effectively.

1	2	3	4	5	6	7	8	9	10
(Poor)		(Fair)		(Average)		(Good)		(Excellent)	

Score Sheet

7. Negotiating Ethics

The lawyers demonstrated ethical behavior during the negotiation.

1	2	3	4	5	6	7	8	9	10
(Poor)		(Fair)		(Average)		(Good)		(Excellent)	

Score Sheet

8. Professionalism

The lawyers demonstrated professionalism toward each other and toward their opposing counsels.

1	2	3	4	5
(Average)	(Good)	(Excellent)		

THANK YOU!!

