



# **UHLC National Mediator Competition**

**RULES and MATERIALS**

# National Mediator Competition

## Rules

### Format

- Each round will consist of a 120-minute Mediation Session followed by a 10-minute Judges' Critique Session (130 minutes total). 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 Mediation 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. After the 120-minute Mediation Session, there will be a 10-minute Judges' Critique Session for the mediator judge to give comments to the student mediator competitor.

### New Zoom Instructions

- All competitors must be in separate physical rooms during each Mediation Session. Failure to abide by this restriction may result in the violator being disqualified from the competition.
- Coaches may not be in a physical room with their respective competitor(s) during a Mediation Session. Failure to abide by this restriction may result in that coach's competitor being disqualified from the competition.
- The student mediator is in charge of running the Zoom session. S/he will be responsible for running the Mediation Session, managing caucuses via Breakout Rooms and keeping time for the round. We ask that the judges also keep an eye on the time to ensure that the round does not run long. The only people allowed to be present during the Mediation Session are the NMC competitor, the Newhouse competitors, the judges, and the student bailiff. Coaches are not permitted to attend the Mediation Session in any format.
- Competitors will enter the Zoom session 15 minutes before the round begins. Judges will enter the Zoom session approximately 5 minutes before the round begins.
- **Competitors:** turn **on** cameras and microphones for the entire Mediation Session.  
**Judges:** turn **off** cameras and microphones during the Mediation Session to minimize the number of visible participants and distractions. Turn the cameras and microphones on for the critique. NOTE: Judges should not ask questions during the round.  
**Bailiff:** turn **off** camera and microphone for the entire Mediation Session unless a problem arises that requires the bailiff to intercede.
- **Caucuses:** To ensure the judges can score the caucus sessions, the student mediator will send the non-caucusing team into a Breakout Room and conduct the caucus in the main Mediation Session room with the judges present. The student mediator should then bring the non-caucusing team back into the main Mediation Session room when the caucus concludes.
- Competitors are forbidden from using virtual backgrounds during the competition. Competitors are also forbidden from displaying anything in their real-world backgrounds that indicates a competitor's school affiliation.
- **Technology Issues:** If you experience a technology problem during the Mediation Session (ex., getting kicked off the internet), immediately contact the session bailiff and the competition administrator via telephone. The judges in the Mediation Session will be notified while you attempt to reconnect to the Mediation Session. The round will be paused while a competitor attempts to correct the technology issue. Please remember that, as a last resort, your phone can be used as a backup to call into the Zoom session if your internet connection has failed.
- All rounds will be recorded to the Zoom cloud site.

## New Zoom/COVID-19 check-in procedures

- You must conduct a test Zoom meeting with one of the competition administrators 3-7 days before the competition begins. The test is designed to confirm each competitor's technology access and to confirm that the UHLC-assigned Zoom account works. Contact the competition administrator by email to set up a time for this test. Each competitor will be responsible for creating the Zoom test meeting notice via the UHLC-assigned Zoom account and providing the log-in information to the assigned competition administrator.
- Each day of the competition, competitors will log into a separate Zoom check-in session before each round begins. Competitors will receive an email a few days before the competition with the necessary log-in information. Competitors must check in **30 minutes** before each round begins. Competitors will receive any last-minute updates and be able to ask questions during this check-in session. Competitors will then log out of the check-in session and log in to your specific competition Zoom "room" **15 minutes** before the scheduled round.

## Rounds

- The competition will consist of two preliminary rounds, a semifinal round, and a championship round. Each mediator will participate in the two preliminary rounds, with the top four mediators advancing to the semifinal rounds. The top two mediators in the semifinal 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 Session (after Session ends)	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/Fact Patterns

- 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 semifinal and the final rounds will be distributed to the competitors who advance once the semifinalists 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 semifinal and final rounds.
- Coaches may provide advice to their mediator in advance of the individual rounds, including the semifinal and final 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 and Scoresheets**

- 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 at the end of the Mediation Session. The judge(s) will evaluate the performance of the student participants according to the standards and criteria provided. (See sample Judge's Score Sheet that will be provided.) Every attempt will be made for the mediator not to have the same judge in more than one round of the competition.

### **Observers**

- Observers are not allowed to attend the Mediation Session(s) or to communicate at any time with a competitor 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.

### **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 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 semifinals. The mediators with the top two scores in the semifinal rounds will then advance to the back-to-back final round.
- In the semifinal 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 semifinal 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 refrain from wearing or displaying 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.



## 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"> <li>• Welcome Statement</li> <li>• Logistics Covered (Introductions, Conferences, Restroom Location, etc.)</li> <li>• Rapport Established</li> </ul>	
"Rewarding Process" Portion <ul style="list-style-type: none"> <li>• Cooperative Effort Message</li> <li>• Potential for Good Result</li> </ul>	
Neutrality <ul style="list-style-type: none"> <li>• Explanation of the Role of Neutrality in the Mediation Process</li> <li>• Faith in Mediator's Ability to be Neutral Being Crucial to the Process</li> </ul>	
Explanation of the Role of the Mediator <ul style="list-style-type: none"> <li>• Third Party Neutral (Facilitating Communication)</li> <li>• Not Judge or Jury</li> </ul>	
Explanation of the Mediation Process <ul style="list-style-type: none"> <li>• What it is? / What it is not?</li> <li>• Joint Sessions / Caucuses / Conferences</li> <li>• Confidentiality</li> </ul>	
<b>Sub-Total</b> (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	
<b>Sub-Total</b> (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"> <li>• Manage Risk Analysis</li> <li>• Test BATNA</li> <li>• Reality Testing</li> </ul>	
Proper Use of Joint Sessions <ul style="list-style-type: none"> <li>• Encourage Creative Solutions</li> <li>• Build Agreements</li> <li>• Help Parties Overcome Impasse</li> </ul>	
Reminds Party of Caucus Confidentiality	
<b>Sub-Total (do not exceed 30 points)</b>	

**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	
<b>Sub-Total (do not exceed 30 points)</b>	

**Overall Score (Maximum of 100 Points)**

<b>TOTAL POINTS</b>	
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Judge’s Name (Print): \_\_\_\_\_

Judge’s Signature: \_\_\_\_\_

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