



# MEDIATE'19

INTERNATIONAL MEDIATION TOURNAMENT

Sponsored by:  
The International Academy of Dispute Resolution

## RULES OF THE TOURNAMENT

### 1. Introduction

Because of the growing importance of mediation throughout the world, this international competition is designed to help young professionals and students better understand the mediation process and peaceful conflict resolution. The primary difference between this tournament and others is that it requires participants not only to participate as advocates and clients, but just as importantly as mediators.

An important component of the tournament is the training provided in mediator skills and advocacy.

### 2. Team Orientation

Every effort will be made to ensure that the rules and cases are clear. All participants will be afforded the opportunity to ask questions at the mandatory orientation session.

Questions in advance submitted by email are also encouraged. The tournament director will have complete discretion in answering questions related to the cases and rules.

### 3. Team Composition

Participants must be current higher education students (including undergraduate students and master students), or persons engaged in post-graduate practical legal training, as well as recent graduates (no more than 24 months prior to competition). Students enrolled in post-graduate study such as a masters degree or practical legal training are eligible so long as they have not practiced law (other than in temporary jobs or apprenticeships) between their initial and post- graduate studies for more than 24 months prior to competition.

A team is composed of three participants. In each round, one member participates as mediator and the other two as advocate/client. In the three preliminary rounds, each member must act as mediator, advocate and client. Teams that use more than three team

members, for any reason, will not be eligible to advance to the elimination rounds; individual team members may still be eligible for individual awards. If a team reaches the semifinal or final round, it can decide who will act as mediator, advocate or client.

Each round includes co-mediators who are from different schools (Mediator Team A and Mediator Team B). There is also an advocate/client team representing each side (Adv/CI Team C and Adv/CI Team D). The co-mediators and the advocate/client teams are all from different schools. Co-mediators will not mediate for their own schools in any preliminary round, or in the semifinal or final round.

#### 4. Format

Before the competition begins, training is offered in mediation and advocacy at both the beginning and advanced levels.

There are three preliminary rounds. After completing the preliminary rounds, the ballots for each team are scored as per Section 14 below and the proportionate number top mediator and advocate/client teams qualify for the next round. Number of rounds is dependent on the number of participating teams and this information is given to enrolled teams a week prior to the event. The top four teams in each category qualify for the final round.

#### 5. Scoring

Mediators and advocate/client teams are separately scored. In each mediation, the co-mediators are scored against each other and the advocate/client teams are scored against each other. Both are scored in six categories, receiving 0-10 points in each. The categories for mediators are: (1) Opening Statement of the Mediator; (2) First Caucus; (3) Conference; (4) Qualities of A Good Mediator; (5) Cooperation Between Mediators; and (6) Self Evaluation. The categories for advocate/client teams are: (1) Advocate's Opening Statement; (2) First Caucus; (3) Conference; (4) Teamwork Between Advocate and Client; (5) Overall Evaluation; and (6) Self Evaluation.

#### 6. Mediators

Each mediator must make opening remarks of no more than four minutes. The mediators can decide who goes first and whether they will coordinate their remarks or make them independently. The judges understand that the co-mediators' remarks may be quite similar. Each co-mediator must conduct a caucus during the mediation—it can be immediately after the parties' opening statements or later, at the mediators' discretion. The co-mediators can decide who will conduct the first caucus and with which party, but each mediator must conduct the first caucus with a different party. The co-mediator not conducting the caucus will observe and may ask clarifying questions at the end of the caucus. Thereafter, the co-

mediators can use a conference or caucus format as they wish, though they must conduct at least one conference session. The mediators should try to ensure that caucuses are not used by parties to create unfair competitive advantage—e.g., by staying in caucus for extended periods of time so that the other advocate/client team is deprived of time in front of the judges. The mediators are responsible for ensuring that caucus time is used effectively. As a guideline, caucuses of longer than 12-15 minutes are discouraged.

#### 7. Advocates and Clients

The advocates will each offer a brief summary of the facts and their client's goals for the mediation after the mediators' openings. The clients may be offered an opportunity to speak briefly during this time, and may contribute as appropriate throughout the mediation. During the balance of the mediation, whether in caucus or conference, the advocates and clients should work together and with the mediators to achieve the clients' goals. The advocates and clients should act realistically and professionally in the spirit of mediation. Advocates and clients who appear to be seeking an unfair advantage by unnecessarily extending caucuses may be penalized by the judges.

#### 8. Judges

There are two judges for each round. The judges will score independently of each other. Judges are provided all of the information provided to the teams. Students may not at any time confer with the judges until their ballots have been turned in. Thereafter the judges may provide a short critique.

#### 9. Cases To Be Mediated

In each round the same case will be used for all mediations. The case packet will include a common set of facts ("General Information") disclosed to both sides and the co-mediators and a separate confidential fact sheet given to each side ("Confidential Information") 30 minutes prior to round commencement. The mediators will not receive the confidential fact sheets. Each of the three preliminary rounds /and the semifinal/ and final rounds will involve different cases.

#### 10. Timekeeping

Responsibility rests with the student participants for timekeeping and adherence to the allotted time periods. Each mediation is limited to 90 minutes. Preparation for Self Evaluation is limited to 5 minutes, and each Self Evaluation is limited to 5 minutes. Judges are instructed to strictly enforce time limits.

#### 11. Self-Evaluation

Each participant will have five minutes to honestly answer these questions at the

conclusion of the mediation: A) If you had to do the mediation over again, what would you do the same and what would you do differently? B) What were your goals and strategies coming into the mediation and how did they play out during the mediation? There will be a five-minute preparation period at the conclusion of the mediation, then each participant or team should speak to the judges for no more than five minutes outside the hearing of the other competitors. The order of self-evaluation will be determined by the judges. Judges may ask questions during self-evaluation, but should not offer critique at this time. Self-evaluations that are overly generic, that feel like prepared speeches, and that do not seem to reflect thoughtful analysis of the specific mediation should be scored no higher than a 5.

### 12. Permissible Assistance

Faculty and other coaches may confer with their students up until the mediation commences; they may assist their teams after the distribution of the Confidential Information until the mediation begins. Thereafter, they may not give any advice or instructions to, or attempt to communicate in any way with, any of the participants until the conclusion of the Self Evaluation. Coaches and other persons associated with a team may observe the mediations in which their teams are participating. They may also observe all Self Evaluations associated with mediations in which their teams are participating. They may not observe or “scout” any other teams. No person associated with a team, including a team member who is not participating in that round, may communicate in any way with the participating team members until all Self Evaluations are complete. Violation of this rule could result in loss of points or even disqualification.

### 13. Staying With The Record

While teams may draw reasonable inferences to fill in gaps in the facts provided, they are cautioned to stay within a reasonable range of inference. They should not invent material self-serving facts and they may not change any of the facts contained in the General or Confidential Information. If a judge feels a team has gone beyond a reasonable inference, she/he should score the team accordingly.

### 14. Outside Materials; Technology

The purpose of this competition is to help law students develop their mediation and advocacy skills. The focus is on how the students perform during the round. Therefore, no pre-prepared materials may be brought into the round to be presented to the judges or other competitors in the round. This includes any use of technology such as PowerPoint or any other presentation software. Competitors may themselves use any competition-supplied materials (general and confidential information) or personal notes they have prepared to assist them during the round. Only photographs or documents from the

General Information may be shown to anyone during the mediation, unless the Confidential Information includes a visual aid of some kind and specifically permits the advocates and clients to use it during the mediation. Teams may use a white board if one is present in the room; teams should not expect that the competition host will provide white boards, flip charts, markers, etc. Teams may bring blank flip charts or white boards for use during the mediation.

#### 15. Punctuality

Teams are expected to be on time for all scheduled competition events. Teams that are late for the release of Confidential Information or for their rounds are subject to penalties, up to and including disqualification from the competition.

#### 16. Advancing to the Final Rounds

After 3 preliminary rounds, advancement to the next round will be based first on the number of judge ballots won by each team (maximum of 6), and second (in the event of a tie) on the margin of victory of the team, determined by comparing the co-mediator scores and/or advocate/client scores on each ballot for any team tied with another team for a position in the semifinal round. Any remaining ties will be broken by comparing total scores. The same process will be followed for determining the four teams in each category that advance to the final round. Only the ballots from the semifinal round will be used in determining who advances to the final round.

In the preliminary, semifinal, and final rounds, no mediator may mediate for an advocate/client team from his/her school.

#### 17. Awards

The minimum of three top individual mediators after the preliminary rounds will be recognized and awarded trophies. The top three advocate/client pairs after the preliminary rounds will also be recognized and awarded trophies. The top three mediation and advocate/client teams will be awarded team trophies.

Individual awards will be determined by 1) ballots won; 2) total scores; and 3) margin of victory.

#### 18. Registration and participation fee

Team registration can be made online via the form published at [mediate19.eu](http://mediate19.eu) starting 1st November 2019. The last date to send in team registration form is 16th November 2019. Teams are selected on a competitive basis. There is a cap of 16 teams. A maximum two teams from one institution can register.

If selected a team is contacted via email ([mediate.tournament@gmail.com](mailto:mediate.tournament@gmail.com)). Selected

teams participation is confirmed only after completion of a participation fee transfer. Organizers will provide payment instructions and a receipt or confirmation as needed. All banking charges and transfer fees must be paid by the transferor. The transfer must indicate the title as provided in the email sent via email upon team selection. The registration fee is not refundable.

The registration fee includes an invitation for all registered Team members to all events of Mediate'19 including any trainings, the opening reception and award ceremony.

#### 19. Consent to photography and videotaping

Participants agree to the use of photography and videotaping and the discretionary use of all such material by the Organizers of Mediate'19 as listed at [mediate19.eu](http://mediate19.eu), esp. INADR.. Filming by anyone else is subject to explicit permission by the INADR.

#### 20. Rules interpretation

The Organizers' interpretation as to the implementation of the Rules of the tournament is final and conclusive. The Organizers have the right to amend Rules of the tournament as well as may take such other measures as are required for the orderly conduct of Mediate'19.

#### 21. Contact information

For any inquiries please contact: [mediate.tournament@gmail.com](mailto:mediate.tournament@gmail.com) or [inadrconnect@gmail.com](mailto:inadrconnect@gmail.com).