

AMERICAN MOCK TRIAL ASSOCIATION

Intercollegiate Mediation Tournament

RULES OF THE MEDIATION TOURNAMENT

1. Introduction

This competition is designed to help undergraduate students understand the value of resolving disputes through mediation (peacemaking) so that they can apply it in their personal and professional lives. There are two categories of competition in the tournament, Mediation, determined by scores assigned to co-mediators, and Advocacy, determined by scores assigned to advocate/client units.

2. Team Orientation

Every effort will be made to insure that the rules and cases are clear. Those who intend to participate are encouraged to raise any questions they may have with AMTA's National Tournament Director. The Tournament schedule includes an orientation meeting where all entries may hear others' questions and the Tournament Director's answers.

3. Team Composition

A school may enter two teams in the Intercollegiate Mediation Tournament. The tournament has been capped at 36 teams. A mediation team is comprised of three to five undergraduate students. Pursuant to AMTA policy, an "undergraduate student" is one enrolled in a two-year or four-year college or university including a person who holds a baccalaureate degree and is seeking another or an added credential other than a graduate or professional degree.

In each mediation round, a team has one of its members assigned to perform as a co-mediator. Two other members perform as a client and as that client's advocate. An individual mediation brings together performers from four different teams each representing a different college or university. For instance, co-mediators from Schools A and B will work together to settle a dispute between a plaintiff/complainant appearing with an advocate and competing for School C and a defendant/respondent appearing with an advocate and competing for School D.

There are three preliminary mediation rounds. In each of those rounds, a different team member must be its team's co-mediator. Similarly, in each preliminary round, a different team member must play the role of advocate. In preliminary rounds, no team member may play the role of advocate or the role of co-mediator more than once. The client role may be played by any available team member in any round. In the Championship Final Mediation, a team's co-mediator or advocate may be a team member who also performed as a co-mediator or advocate in a preliminary round.

Each mediation commences with the co-mediators' opening statements. Each co-mediator is limited to four minutes for the opening statement. Co-mediators determine which of them will speak first and may decide to allocate between themselves the substantive points to be covered. After the co-mediators' opening statements are completed, each advocate is permitted an opportunity to make a statement. Thereafter, the mediation proceeds using the caucus format for mediations.

4. Scheduling

The Ninth National Intercollegiate Mediation Tournament will be conducted on Friday, November 7 and Saturday, November 8, 2008 at John Marshall Law School in Chicago, Illinois. Training by instructors, certified by the International Academy of Dispute Resolution, will be offered Thursday, November 6, 2008 and Friday, November 7, 2008. Training will include mediator training as well as client/advocate training. An orientation meeting on Friday November 7 is mandatory for all participants. There will be preliminary rounds on Friday afternoon and Friday evening. The last preliminary round will be Saturday morning. The Championship Final Mediation will be conducted Saturday afternoon following the Awards Luncheon.

Rounds commence with the distribution of the case for the round. Teams are permitted thirty minutes to review the case and to communicate with anyone they choose about the case. Mediations are expected to start 30 minutes after case distribution or upon the arrival of the scoring judges, whichever time is later. Mediations will end within two hours of their start time. Following the end time, the judges will be invited to critique the participants for up to thirty minutes.

5. The Cases To Be Mediated

In each round, the same case will be used for all mediations. A common case format has sets of facts disclosed to both parties and both co-mediators plus a separate confidential fact sheet for each party. The confidential fact sheets are not disclosed to the opposing party or to either co-mediator.

One of the cases which will be mediated will be the current or a past AMTA mock trial case. The Mediation Case Committee will determine variations, if any, of the AMTA mock trial case needed to make it a strong case for mediation.

6. Judges

There will be two scoring judges per mediation. Judges will be instructed not to confer between themselves regarding scoring. After completed ballots are turned in to the tournament, the scoring judges will critique the participants. Great effort is made to recruit judges who are trained mediators. Judges will receive the full case for the round for their review. Student participants will not speak with the judges during the mediation or ask them any questions as the mediation proceeds. Questions or comments, instead, may be addressed to the Tournament Director during the mediation. Questions may be posed to the judges when the judges entertain questions during their critique.

7. Timekeeping

Co-mediators are responsible for keeping their mediations on time within the two hours allotted.

8. Permissible Assistance

Faculty and other coaches may confer with their students until the mediation commences. Thereafter, they may not give advice or instructions to, or attempt to communicate with any of the participants. Coaches may observe the mediations where members of their team are performing. Coaches may not scout other teams. Violation of this rule may result in loss of points or disqualification.

9. Ballots

Mediation ballots designate scoring ranges for specific attributes of mediators, advocates and their clients and permit the judges to write comments. The NIMT Board regularly reassesses the attributes emphasized on the ballots. As a result, completed ballots are distributed roughly a week after the tournament in order to allow for photocopying, compilation and assessment. Copies of the ballot forms to be used at the NIMT will be posted on the AMTA website at least 30 days before the Tournament.

Because mediation is a win/win endeavor, all participants, including the mediators, are winners. Judges are, therefore, asked to score solely on the peacemaking skills exhibited by the students.

10. Scoring/Tabulation

Round 1 will be randomly assigned. Rounds 2 and 3 will be assigned based on the current standings of teams' co-mediator and advocate/client scoring. Four different schools will be assigned to each mediation with the only possible exception being where a byebuster team must be formed.

Each judge's ballot will be tabulated separately. The tabulation process requires the tabulator to total all of the points awarded on each judge's mediator and attorney-client ballot. Each co-mediator and each advocate/client unit is then assigned a score which is the sum of the percentage shares of all points awarded by the judges on their ballots. A team's Mediation Score for a round is the sum of the two percentage scores awarded to that team's co-mediator by the judges in that round. Similarly, a team's Advocacy Score for a round is the sum of the percentage scores awarded to that team's attorney-client unit by the two judges in that round. Team Mediation Scores and Team Advocacy Scores are totaled and ranked separately after each round.

After three preliminary rounds, a team has been awarded six percentage scores for co-mediation and six percentage scores for advocate/client performances. The team with the highest sum for their six mediation scores is the first ranked mediation team. The team with the highest sum for their six advocacy scores is the first ranked advocacy team. We use the "percentage-score" method to neutralize the difference between high-scoring and lower-scoring judges.

11. The Championship Round

The Championship Final Mediation is conducted by co-mediators from the four highest ranked mediation teams and advocate/clients from the four highest ranked advocacy teams. Rankings are based on team scores, not individual scores.

12. Awards

Team trophies will be presented to all teams ranking in the top ten in either Mediation or Advocacy. Teams qualifying for the championship round will compete for places first through fourth in each category.

Outstanding New School awards will be presented in each category of the competition.

As many as twenty individual All-American® awards will be given to top scoring co-mediators, and as many as another twenty such All-American® awards will go to top scoring advocate/client units. The Tabulation Director will determine the winners of these awards.

12. Fees

Schools participating in the tournament must be a member of the American Mock Trial Association, which costs \$325. If a school is a new school or has not been a member of AMTA for five years or more, the fee is \$175. Such registration permits the school to participate in all programs provided by AMTA, including mock trial and mediation. In addition to joining AMTA, a school must pay a fee of \$100 per team to enter the mediation tournament.

The Philosophy of AMTA

All participants should strive to emulate the finest practitioners in the legal profession. Professional, ethical and collegial behavior is expected at all times. Inappropriate behaviors include but are not limited to the following:

- disparaging comments based upon race, gender, national origin, sexual orientation, disability, age, class, religion or political beliefs
- failing to treat fellow participants with respect
- engaging in dishonesty in any matter related to Mediation
- violating the rules outlined in the AMTA fact situation and rules, including all rules related to courtesy
- engaging in irresponsible behavior that puts oneself or others at risk, including being intoxicated at any time during tournaments
- illegal conduct of any sort during tournaments, including underage drinking, from the arrival at registration until departure from the site following the awards ceremony

Rule 1.1 Ideals of mediation. The ideals of fair play, civility, and friendship shall guide the conduct of all participants throughout all mediation activities including, but not limited to, tournament rounds, breaks between rounds, organizational meetings, and team practices.

Comment to rule 1.1. Teams, individual participants and coaches who disregard the rules of competition or who participate in or encourage others to participate in unprofessional conduct may be subject to sanctions including, but not limited to, point deductions, award forfeitures, and exclusion from further participation in AMTA- sponsored events.

Student Participants

Rule 1.2 Integrity. Participants shall strive to exemplify the highest ideals of the legal profession, to maintain the highest standards of ethical conduct and to strive for competence and integrity.

Rule 1.3 Courtesy. Courtesy toward opposing team members, judges, tournament officials, coaches and one's own team members is expected of all participants.

Rule 1.4 Abiding by rules. Participants—whether attorneys, coaches, witnesses, or alternates—are expected to abide by the rules. Failure to conform behavior to the rules may lead to a loss of points or sanctions.

Rule 1.5 Demeaning, harassing, or embarrassing behavior. Participants shall eschew any behavior designed to demean, harass or embarrass any other participant or solely to garner notoriety or publicity for themselves or their school.

Rule 1.6 Damage to property. No participant shall intentionally take or cause damage to any property of any institution hosting any part of an AMTA-sponsored event or belonging to the members of any other team. In the case of accidental damage or loss of any property, participants are required to report the event and circumstances immediately to appropriate officials. Failure to comply with this rule may lead to sanctions.

Coaches

Rule 1.7 Requirement of a coach. Every team may have one officially designated Educator Coach and one officially designated Attorney Coach.

Rule 1.8 Coaching goals. Coaches are reminded that the purpose of mock trial is to instill respect for the legal system and its ideals of justice, equality, and truth. Coaches are expected to promote and champion these ideals above winning.

Rule 1.9 Coaches' responsibility to AMTA objectives. Every coach has the responsibility to instill in every student by word and by example the highest ideals of the American legal system including fairness, professional integrity, and respect for judges, officials and other members of the mock trial community.