

The United Kingdom Student Mediation Competition Rules and Guidance Notes

1. Introduction

- 1.1 This competition is designed to help law students to understand the value of resolving disputes through, and to develop their skills in, mediation, mediation techniques and the mediation process in general so that they might apply their knowledge and skills in these areas in the course of their personal and professional lives.
- 1.2 These rules and guidance notes are for use in the annual United Kingdom Student Mediation Competition, the first of such competitions being the Westminster Mediation Competition which took place on the 28th and 29th of November 2008.
- 1.3 Entry is limited to the first 20 teams that apply to the host institution. Initially, entry will be limited to one team per institution. However, should the initial list of teams who have entered for the competition prior to a date set by the host institution fail to contain 20 teams, the host institution shall invite the institutions who have entered the competition to send a second team. The places available to these second teams will be allocated on a first-come-first-served basis. An additional registration or entrance fee will be charged for any second team that is entered at the full rate charged for all other competing teams.

2. Team Orientation

- 2.1 Every effort will be made to ensure that the rules and case scenarios are clear. Those who intend to participate are encouraged to raise any questions they may have with the competition host at the earliest opportunity. If any such question concerns the application, or intended application, of these Rules and Guidance Notes, or any omission thereto, the competition host, shall contact one or more of the members of the competition organising committee for guidance on the appropriate response to be given to that question.

- 2.2 The competition schedule includes an orientation meeting where all competitor teams may hear each other's questions and the competition host's answers.
- 2.3 It is intended to release the common facts relating to each mediation scenario a week before the commencement of the competition. From the date of release until the date of the commencement of the competition, the host institution shall attempt to answer any such questions by email and will circulate all questions so raised and the answers given to such questions to all other teams by email contemporaneously with the submission of the answer to the team who raised the question. The confidential information required by each competitor who role-plays a party to the mediation will only be released on the relevant day of the competition.

3. Teams

- 3.1 Up to 20 teams will take part in the competition.
- 3.2. Each team is made up of three students. These students must either be enrolled as students at the institution which they represent or have graduated from that institution in the six months immediately preceding the date of the competition. If a student has competed in this competition in a previous year, he or she shall not be permitted to compete in this year's competition.
- 3.3 In each mediation round, each competitor institution has two of its members assigned to perform as co-mediators working together as a team. Each team member will perform two mediations in the course of the competition. The competition will consist of three separate rounds.
- 3.4 In the same mediation round the other team member, not co-mediating, will perform the role of one of the parties coming to mediation without the services of an advocate. This role will also be performed on one occasion. This third team member (in each round) will not perform this role before his/her team colleagues but before a team of two co-mediators provided by another competitor institution.
- 3.5 In the same mediation round, the role of the other party coming to mediation without the services of an advocate will be played either by a student from the host institution or from other competing institutions who have been able to bring a non-competing student with them to the competition.
- 3.6 In accordance with the above, each team member will role-play a mediator twice and a party to a mediation once in the course of the competition and each performance will take place against the background of a different mediation scenario.

4. Format

- 4.1 At least a week before the competition all competitor institutions will be sent a copy of the common facts relating to the three different disputes to be mediated in the competition. Each mediation round will comprise one of these three scenarios.
- 4.2 Thirty minutes before each mediation is due to take place the parties will receive their confidential information. The confidential instructions must not be disclosed to the opposing party or to the mediators in that dispute.
- 4.3 Each mediation can last for a maximum of 75 minutes. This starts with the mediators' opening statement. This statement will be a joint statement and will be limited to a maximum of 4 minutes (as a guideline). After the mediators' opening statement, each party to the mediation is permitted an opportunity to provide an oral position statement. This statement will be limited to a maximum of 3 minutes (as a guideline). Thereafter, the mediation will proceed using such mediation process as the mediators deem appropriate for the mediation scenario with which they are dealing, provided that each team will use the caucus mediation technique and the conference mediation technique at least once during the course of the mediation. All acts done in the course of the mediation will take place in the room which has been designated for the mediation with all judges for that mediation in attendance.
- 4.4 After the mediation has ended, the mediators will have 5 minutes to prepare for the reflection. The mediators will then make an oral reflection to the judges which will be limited to a maximum of 5 minutes.

5. Schedule

- 5.1 The event will take place on the last Friday and Saturday in January at the host's premises. A buffet lunch will be provided on the Saturday. There will be a prize-giving dinner provided by the host institution on the Saturday evening at which the competition prizes will be presented.
- 5.2 A trophy will be awarded to the best mediation team. Here, the word 'team' refers to all three competing members of a competing institution's team. This winning team will be determined by using the points system which is described under the heading 'scoring' in paragraphs 9.3 and 9.5 below.
- 5.3 A trophy will also be awarded to the best individual mediator. The winner of this trophy will be determined through the use of the points system which is described under the heading 'scoring' in paragraph 9.4 below.

6. Judges

- 6.1 It is the aspiration of the organisers of the competition that there will be three scoring judges per mediation. In the event, that a mediation has to proceed with only two judges, there shall be, in addition, a 'virtual judge' who scores shall comprise the average score for each student who participates in the mediation which they judge. Student participants should not speak to the judges during the mediation or ask them any questions as the mediation proceeds. Any such questions should be directed to the competition host during the mediation. Judges will be instructed not to confer between themselves regarding scoring. After the score sheets have been completed and collected, the scoring judges will critique the participants.
- 6.2 An example scoresheet, which includes the assessment criteria for the competition, appears in the appendix to these rules.
- 6.3 Shortly before the commencement of the competition, there will be a 'judges briefing' at which a member or members of the organising committee will endeavour to explain the format, rules and scoring process of the competition to all judges. It is the aspiration of the organisers of the competition that each judge will observe and judge all three rounds of the competition in order to be able to compare the performance of each team against the other teams that the judge has observed.

7. Timekeeping

- 7.1 The mediators are responsible for keeping their mediations on time within the 75 minutes allotted. The judge(s) will halt the mediation if it is still going on after 75 minutes.
- 7.2 By the same token, mediators are responsible for keeping their reflection on time within the 5 minutes allotted. The judge(s) will stop the reflection if it is still going on after the allotted 5 minutes.

8. Permissible Assistance

- 8.1 Faculty and other coaches may confer with their student team members until the point where the confidential instructions are given out to the parties. Thereafter, they may not give advice or instructions to, or attempt to communicate with any of the participants.
- 8.2 Coaches may observe the mediations where members of their team are performing. Coaches may not scout other teams. Violation of this rule will result in the disqualification of the coach's team.

- 8.3 Coaches will be encouraged to participate as judges in the competition. No coach may judge any team from the institution which he/she represents.

9. Scoring

- 9.1 The assessment criteria indicate the scoring ranges for the specific attributes of all mediators.
- 9.2 Copies of the scoresheets, including any written feedback (if provided by the judges to each mediator), can be provided to each competitor institution by post following the completion of the competition on request.
- 9.3 The Ranking System (mediation team competition) – the scoresheets to be completed by all judges must rank the mediation teams in the order in which each judge believes they have performed, with the best team ranked ‘1’ and the worst team ranked ‘3’ in the event that a judge has seen three mediator teams perform (which is the aspiration of the organisers of the competition). The winning (or best) mediator team will be determined by the deployment of this ranking system. In other words, the scores from each judge in each competing institution’s three mediation rounds, will be added together and will represent the score for that institution in the mediation team competition, with the lowest score being the winning score. In the event that two or more scores are tied in the determination of the lowest score, the best mediator team will be determined by the deployment of the Scoring System referred to in paragraph 9.5 below.
- 9.4 The Scoring System (individual mediator competition). The marks accumulated by each team member from their two mediations, during the three rounds of the individual mediator competition, will be added together to determine the winning student in the individual mediator competition. In the event of a tie, the highest individual mediator score in any one mediation will decide the winner.
- 9.5 The Scoring System (described in 9.4 above) will be deployed in the event of a ranking tie using the Ranking System (described in 9.3 above), for determination of the best mediation team and the team with the highest team score (the aggregate of all individual team scores) will be the winner. If, however after deploying the Scoring System two teams have the same score, the winning team will be determined by the team which has the best performing individual mediator. For example, teams H and B both score 410 points, representing the highest team scores in the competition. The three competitors in team H individually score: 127, 133, and 150 (being the combined scores for each team member taken from his/her two performances as a mediator). The three competitors in team B score: 125, 141 and 144 in its two mediations. The winner of the competition is team H (because the highest individual score was 150, achieved by the best performing mediator in team H).

10. Contact

- 10.1 The designated organiser for the host institution will be the point of contact and they can be contacted either from the competition website or via email. All queries should be directed to designated organiser's contact.
- 10.2 The organising committee for the competition will endeavour to be available during the competition to answer all queries that arise on the day(s).

Scoresheet Guide

The primary task for each judge is to score the teams as accurately as possible and provide useful feedback to the students. You are encouraged to discuss what you see with your fellow judge, but you are making individual decisions and your scoresheets are not a collective exercise.

I - Active listening and empathy

This includes **body language** and **eye-contact** and marks may be lost for excessive note-taking or not **paying full attention**. The category also includes the use of **good questions and summaries**, and generally demonstrating the **capacity to build an empathic working relationship** with the parties.

V – Maintaining Trust & Rapport

This includes the **opening period** but should incorporate the **full mediation session**. Trust is **earned by positive behaviour** and lost through negative behaviour such as **partiality, breach of confidence or a lack of empathy**. Marks should be awarded to teams who **reinforce trust**, especially in the **later part of the session** where they may be working hard to craft a solution.

II - Facilitative Questioning

This would include **inciteful remarks** and responses, as well as a proper blend of **open and closed questions** which gently lead the party **from positions towards the underlying interests**. Marks should be lost by teams whose questions amount to **overt suggestions or evaluations** of the party's position. This category will probably be most in play during the **caucus sessions**.

VI - Active listening and empathy

This is less about mediator behaviour and more about **the overall smartness of the mediators in steering the process towards resolution**. Marks should be awarded for mediators who **pursue constructive lines of enquiry and strategically ignore destructive dead-ends**. This category allows judges to reward mediator 'moves' such as **pausing in silence or choosing the right moment to start inviting proposals**.

III – Management of the Process

This includes **overall time management** as well as giving each party an **equal opportunity to express themselves**. It also includes the **effective use of both caucus and conference sessions** and the balance and timing of those sessions. Marks may be lost by spending too long with one party.

VII – Identifying Common Interests

This includes **identifying both parties' underlying interests and needs**. Effective students will demonstrate sufficient curiosity to **go beyond the opening positions** and expand the story. Marks should be given to teams who **recognise which interests may lead to common ground** and potential resolution.

IV – Reflection on the Process

The teams should **reflect on the session itself as well their role within it**, including the use made of both caucus and conference sessions. Marks should be awarded for **insightful and self-critical evaluation** of the dynamic as it unfolded, as well as awareness of **what worked and what was less successful**.

VIII - Moving the process forward

This category is about the **overall progress made** during the session. It is more about **the impact on the parties** than the mediators' demonstrating their skills and will allow the **judges to reflect the degree of forward movement** even if a settlement is not achieved