

# ARIZONA MOCK MEDIATION RULES OF THE COMPETITION

The Arizona Mock Mediation Program is governed by the Rules of the Competition. All teams participating in the Arizona Mock Mediation Program are responsible for reviewing the Rules of the Competition and ensuring that the conduct of persons associated with their teams comports with the Rules of the Competition throughout the Mock Mediation event.

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## ADMINISTRATION

### **Rule 1.1. Rules**

All competitions will be governed by the Rules of the Arizona Mock Mediation Program.

Questions or interpretations of these rules are within the discretion of the Arizona Bar Foundation's Law-Related Education Committee and Board of Directors (the "Foundation"), whose decisions are final.

### **Rule 1.2. Code of Conduct**

The Rules of Competition must be followed. The Foundation possesses discretion to impose sanctions, including but not limited to disqualification, immediate eviction from the tournament, and forfeiture of all fees and awards (if applicable) for any misconduct occurring while a team is participating in the tournament, for flagrant rule violations, and for breaches of decorum which affect the conduct of a mediation or which impugn the reputation or integrity of any team, school, participant, judge, or the mock mediation program. In these rules, all references to "participating" include any activity as a part of a mock mediation tournament conducted in-person or virtually.

### **Rule 1.3. Relationship to Other Laws; Accommodation of Disability**

These Rules will be interpreted and administered consistent with all applicable laws. Accordingly, should any applicable law require variance from these rules or accommodation of any competitor for any reason, including a legally-recognized disability, that team member or their coach may apply to the Organizers for accommodation, and such reasonable accommodation as the law requires shall be granted. Where possible, teams competing against the team for which an accommodation was granted shall be informed of the accommodation in advance of a competition round but will ordinarily not be informed of the specific nature of the issue that led to the accommodation.

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## THE CASES

### **Rule 2.1. The Cases**

The Foundation will create or adapt case materials which will contain all of the following: general facts, confidential facts for the defendant, and confidential facts for the plaintiff. Stipulated facts may not be disputed during mediation.

Each case will have one client character per side, both of whom will have gender neutral names that will allow them to be played by anyone.

### **Rule 2.2. Competitors Bound by Facts**

All competitors are bound by the general and confidential facts of each case and may not assert facts not stated the case materials.

**Rule 2.3. Gender of Clients**

All clients are gender neutral. Personal pronoun changes indicating gender of the characters may be made. Any student may portray the role of any client of any gender.

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**TEAMS**

**Rule 3.1. Team Eligibility**

a. Each team shall be composed of three qualified middle school or high school students and at least one teacher-coach. A teacher may serve as a teacher-coach for multiple teams from the same school. The eligibility of a team to participate in a tournament is within the general discretion of the Foundation.

b. To compete on a Mock Mediation team, a student must meet the following criteria:

(1) Except as provided in paragraph (2), all students on a team must be officially enrolled at the same public or private middle school or high school. Students officially enrolled at more than one school may only compete for the school at which their official permanent records are located. A student is not considered officially enrolled at a school unless they are taking a course at the school for which they will receive a grade, other than a pass/fail, and which is entirely unrelated to mock mediation or the student's participation in the mock mediation program.

(2) Home-schooled students may compete on public school teams as may be permitted by the policies of the local school district. For purposes of competing on a public-school team, a home-schooled student will be considered an officially enrolled student at any middle school or high school within the school district in which they reside for home school. Home-schooled students also may form teams with other home-schooled students.

c. A student must be in grades 6 to 8 to compete in the middle school mediation tournament. A student must be in grades 9 to 12 to compete in the high school mediation tournament.

d. A student engaged in college courses or an internship will be considered an officially enrolled high school student provided that the school at which the student's official records are located still considers the student officially enrolled at the school and the student is not considered to have graduated or withdrawn from the school.

e. Students must be officially enrolled at the time the team is registered for the mock mediation program. Any student not officially enrolled on the day of a tournament will not be allowed to participate in any capacity.

f. No regional or consolidated teams will be allowed. If a high school is composed of several campuses or affiliated schools that operate separately with separate faculties and staffs, all students on a team must attend classes at the same campus. If the mock mediation teacher coach teaches classes on multiple campuses, then the school may register a team comprised of students who attend class on any of the campuses where the mock mediation teacher coach teaches. Except as permitted by this rule, in the event a student attends classes on more than one campus, each campus will be considered a different school and the limitations set forth for dual-enrolled students in subsection b(1) will be applicable.

g. The teacher-coach of a team must be a faculty member at the same public or private middle school or high school at which the students are officially enrolled. The teacher is deemed to certify that all students meet the criteria as an officially enrolled student when the team is registered. The teacher-coach must notify the Foundation of any change in a student's status. A teacher-coach who fails to certify the eligibility of the students

on the team or to notify the appropriate entities of any change in a student's status may be suspended from the mock mediation program for one year. A parent of a home-schooled student may serve as the teacher-coach of a team comprised of home-schooled students. A parent who serves in this capacity has all of the responsibilities and obligations of a teacher-coach under these Rules.

### **Rule 3.2. Team Composition**

a. Teams consist of three official members assigned to advocate, client, and mediator roles representing the plaintiff and defendant sides. All three team members will participate in any given round as advocate, client, or mediator (unless the team has been assigned a bye for that round). In any given round a team's advocate and client will compete together in the same mediation, while the team's mediator will compete in a different mediation. All mediations will have four teams represented in the roles Mediator A, Mediator B, Advocate/Client C, and Advocate/Client D. All three members of each team must play all three roles at least once during the first three rounds of competition. Teams qualifying for the final rounds may assign roles as they wish.

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## **THE MEDIATION**

### **Rule 4.1. Mediation Room Setting**

In all mediations, seating arrangements shall be consistent with the layout indicated in the room diagrams provided by the Foundation.

### **Rule 4.2. Mediation Sequence and Time Limits**

Each Mediation will last for 60 minutes. There are no specific time limits on each stage of the mediation, but all stages of the mediation up to and including the second conference must be completed. If there is time remaining after the second conference, additional caucuses and conferences may take place. There is no requirement for parties to reach an agreement by the end of the mediation, and no additional points will be awarded for doing so.

The following time guidelines are suggested, except that the mediation round will be limited to 60 minutes:

1. 30 minutes before the round: Advocates/Clients receive their special facts from the Information Table and go to a quiet place to review and strategize for their mediation. Coaches may help. Mediators will meet with their co-mediator in the designated room the round will be held in. Coaches and spectators cannot be in the room with them. A Room Host will be present just outside the room.
2. 10 minutes before the round: All parties meet in the designated room for the round. Spectators and coaches may find a seat to observe but cannot communicate with the teams. The Room Host verifies parties including where they are seated, ensures judges have the correct ballots, and gives quick overview of round.
3. At the start of the round: The Room Host will signal the start time and start the timer.
4. Agenda for each round:
  - Co-Mediator Opening Statement
  - Co-Mediator Opening Statement
  - Plaintiff Opening Statement (Advocate/Client)
  - Defense Opening Statement (Advocate/Client)

- Conference
  - Caucus (Plaintiff and Mediator A)
  - Caucus (Defense and Mediator B)
  - Conference
  - Round Ends at 60 minutes. If time allows, additional caucuses and conferences may take place.
5. At 60 minutes: The Room Host will stop the mediation promptly at 60 minutes. Judges can give up to 10 minutes of verbal feedback to the competitors. The Room Host will stop the feedback promptly at 10 minutes.
  6. At 70 minutes: All parties and spectators leave the room. The judges stay to score. The Room Host will stay to assist judges as needed and bring their completed scoresheets to the tournament scoring room.

**Rule 4.3. Supplemental Material: Accents, Costuming, Exhibits**

Teams may refer only to materials included in the trial packet. No illustrative aids of any kind may be used, unless provided in the case packet. No enlargements of the case materials will be permitted. Absolutely no props or costumes are permitted unless authorized specifically in the case materials. Costuming is defined as hairstyles, clothing, accessories, and make up which are case specific. An accent is not considered costuming.

The student playing a client is allowed to act as though they are afflicted with any condition, deformity, or disability described in the affidavits. Under no circumstances is the opposing team permitted to question the existence of such conditions based on the fact that the student playing the witness does not actually have them.

A client is prohibited from making reference to their or own physical traits or gender or physical traits or gender of other clients where such information is not included in any witness statement. (For example, a client cannot call attention to her size to show inability to complete some physical act included in the case materials or state that she was treated differently because she is woman.) An advocate is likewise prohibited from making arguments pointing out physical traits of a client not otherwise included in the case materials. Teams are not prohibited, however, from raising issues about general or common human traits and abilities relevant to the case.

**Rule 4.4. Mediation Communication**

Coaches, teachers, and observers shall not talk to, signal, communicate with, or coach their teams during mediation. This rule remains in force during any emergency recess which may occur. Team members may, among themselves, communicate during the mediation; however, no disruptive communication is allowed.

**Rule 4.5. Videotaping/Photography**

In order to support civics education, facilitate media coverage, and provide a maximum opportunity for family, friends, peers, and teachers to view our teams competing, all participants must consent to video or audio recording and electronic posting (including video meeting, social media, or other platforms) of each performance at the tournament, except as separately arranged with the Foundation.

**Rule 4.6. Use of Notes**

Competitors may use notes taken prior to or during the mediation round. The use of laptops or other electronic devices is prohibited.

**Rule 4.7. Verbal Feedback**

The judging panel will not speak during the mediation round, but may provide 10 minutes of verbal feedback at the conclusion of the round. The room host must cut short any feedback going beyond 10 minutes to keep the tournament on schedule.

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**JUDGING AND TEAM ADVANCEMENT**

**Rule 5.1. Finality of Decisions**

All scoring decisions of the judging panel are FINAL.

**Rule 5.2.A Composition of Judging Panels**

All judging panels will be comprised of three judges.

**Rule 5.2.B Conflicts Between Judges and Teams**

The Foundation recognize that conflicts of interest between judges and participants may arise. This program requires extensive volunteer support and it is assumed all participants will make every effort to identify potential conflicts. The sole discretion for determining whether a judicial conflict exists is vested in the Foundation. The following criteria will be applied in determining whether a judge will be disqualified:

1. A judge shall be disqualified from participating in a mediation when the judge has a conflict with any team involved in the mediation. Examples of a mandatory disqualifying conflict include where the judge is a coach of one of the teams, or is a relative or close friend of a competing student or one of the team's coaches.
2. A judge shall be excused if that judge or their family members attended one of the schools competing, or a judge has a personal friendship with a team advisor or parent. However, in the case of such potential conflicts, it is within the discretion of the Organizers to determine whether such a conflict exists.
3. A situation where the judge recognizes a team advisor or student/parent through professional acquaintance or through participation in mock mediations in years previous will not ordinarily be considered to be a conflict, unless there is a closer relationship of the kind that would prevent the judge from fairly scoring a round. Mere recognition of a team or its members is not a basis for disqualification absent a more significant conflict.

A judge who becomes aware of a conflict prior to or during a mediation should be excused from the panel as soon as possible. If the judge was not aware of the conflict until after they have completed the scoresheet, it is left to the discretion of the Foundation to determine whether to disqualify the judge.

The Foundation will take reasonable steps to avoid any conflict between judges, teams, coaches and coordinators or sponsors of teams. In all such cases, however, the Organizers reserve the right to permit a judge to participate in a mediation if there are no reasonable alternatives.

**Rule 5.2.C Disqualification of Judges**

The Organizers have discretion in cases involving judge irregularity to disqualify a scoring judge's scoresheet.

**Rule 5.2.D Process Following Disqualification of Scoresheets**

In the event that a judge's scoresheets need to be disqualified following the conclusion of a round, if there are legal scoresheets remaining for the other two judges, a third set of scoresheets will be generated consisting of the average total score of those two judges' scoresheets for both the Mediators and the Advocate/Client duos.

In all cases where the averaging of two scoresheets results in a score that is not a whole number, the score shall be averaged by rounding up to the nearest whole number.

**Rule 5.3. Completion of Scoresheets**

At the end of each mediation, including the final rounds, each judge shall record a number of points (1-10) for each criteria on both the Mediator and Advocate/Client scoresheets. At the end of the mediation, each judge shall total the sum of each team's individual points and place this sum in the Total Points box. **NO TIE IS ALLOWED IN THE TOTAL POINTS BOXES.**

**Rule 5.4. Team Advancement**

In each round, teams will be competing to earn points; the Mediator can earn up to 50 points **from each judge**, and the Advocate/Client duo, which is scored as one entity, can earn up to 50 points **from each judge**. Teams' total points will be tracked through the first three rounds of competition. After three rounds of competition the **top 4** teams in each division (middle school and high school) qualify for the final rounds. The top 4 teams in each division will participate in two final, simultaneous mediations. The final placement of the top 4 teams will be determined by total points **in the final round alone**.

**Rule 5.5. Selection of Sides for Final Rounds**

In determining which side of the final case each Advocate/Client duo will represent, the following procedure shall be used:

- (1) First, each team will be asked which side of the final case they prefer.
- (2) If opposing Advocate/Client duos in either of the final two mediations prefer different sides of the final case, they will each get their preference.
- (3) If opposing Advocate/Client duos in either of the final two mediations prefer the same side of the final case, the assignment of Plaintiff and Defendant will be determined by a coin toss.

**Rule 5.6. If the Number of teams in a tournament is not a multiple of 4**

If the number of teams in either division's tournament is not a multiple of 4, then each of the first 3 rounds will have the number of teams on bye equal to the remainder of the total number of teams in the division's field divided by 4. Byes, if necessary, will be assigned randomly and indicated on the round schedule provided to teams before the tournament. Teams assigned a bye will receive the average of the higher scores in each category (Mediator and Advocate/Client) from each mediation in that round.