

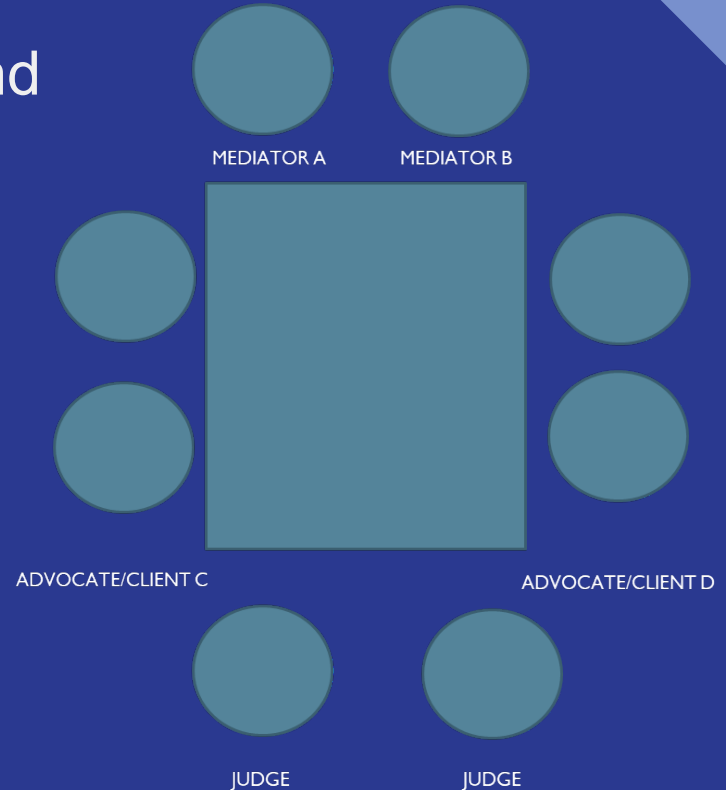
Mock Mediation Session 1:

Overview of a 60 Minute Mock Mediation



Participants

- Grade divisions: middle school and high school
- 6 students at the mediation table
- 4 teams represented
- Roles: Mediator, Client, Advocate
- 2 advocate/client Teams
- Mediators work together but represent 2 schools



Mediator Role

The person who facilitates the mediation process. Each student must co-mediate a case with another student from a different team. Co-mediators will be judged on how well they work together.



Mediator Role

- Opening statements
- Explain the mediation process
- Develop an agenda
- Clarify positions
- Guide parties to resolution
- Maintain confidentiality



Client Role



The party to the lawsuit or dispute who is represented by the advocate. One client is the plaintiff, and one client is the defendant in each round.

Client Role



- Develop agenda with mediators and opposing party
- Present factual matters and interests
- Avoid overstepping advocate's role
- Decision maker
- Advocate/Client team is judged as one

Advocate Role

Also known as the lawyer. The advocate represents the plaintiff or defendant client and works in good faith to resolve the issue at hand while protecting the needs and wants of their client to the greatest degree possible.



Advocate Role

- Opening statement: summarize issues, areas of agreement, and disagreement
- Status of legal proceedings
- Develop agenda with mediators and opposing party
- Present legal matters and advice
- Avoid overstepping client's role
- Influence decisions
- Advocate/Client team is judged as one



Steps in a Mock Mediation

1. **Opening Statements** starts the mediation process, allowing each party to share their views and set the stage for discussion
1. **Caucus**- private meetings between the mediator and each party where they discuss sensitive issues and explore possible solutions
1. **Conference**- parties discuss proposals and solutions to reach a mutually acceptable agreement or decide to end mediation

Tournament Format

- 3 Rounds + Final Round for Top 4 Teams
- 8 Teams Invited
- Each Team: 3 Students (Mediator, Advocate, Client)
- Role Rotation: All roles in first 3 rounds, flexible in Final Round
- Roles: Plaintiff vs. Defendant; Side unknown until day of tournament



Miscellaneous Rules

- Mediators do not see confidential facts
- Advocate/clients may disclose confidential facts
- Make reasonable inferences (no creation or denial of facts)
- No outside communication/coaching after mediation starts
- Materials: Use whiteboards, legal pads, notes; No additional exhibits or documents

Questions?