



## **ABA Law Student Division 2020-2021 Arbitration Regional Competitions Virtual Competition Host Guide**

**Welcome and thank you for hosting a Virtual Regional Competition for this year's Arbitration Competition! The ABA appreciates your willingness to host. We have prepared this Virtual Regional Competition Administrative Guide to help you each step of the way in your preparations for a successful Regional Competition.**

**This Guide includes specific information on steps you'll need to take before, during, and following the Virtual Regional Competition. Appendix R includes a Timeline with Checklists for the Host School competition administrators. Please read the Guide and Timeline carefully and don't hesitate to reach out to us if you have questions or if we can be of help in any way.**

**Again, thank you for taking on this important and essential role in this year's Arbitration Competition!**

**Sincerely,**

**The American Bar Association Law Student Division's Arbitration Competition Subcommittee**

**ARBITRATION COMPETITION VIRTUAL  
REGIONAL COMPETITION ADMINISTRATIVE GUIDE**

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## **Introduction**

This competition provides law students with legal training in arbitration, and promotes excellence in arbitration advocacy.

The Law Student Division provides assistance and a Virtual Regional Competition Administrative Guide to the host schools. The host school is to designate a full or part-time faculty or staff member, who cannot be a Team Coach, to act as the Regional Host School Competition Administrator (“Competition Administrator”) and who can be assisted by faculty, staff, and students who are not competing. In addition, each Competition Administrator is assigned an Arbitration Competition Subcommittee Member as a consultant and adviser.

The administration of regional competitions involves:

- 1) Identifying adequate Zoom licenses to hold the competition, including enough Zoom rooms for 10-14 teams plus Team Check-in, Judges Orientation, and a Competition Headquarters room where teams and coaches can contact you with any issues/complaints and where scoring can be handled
- 2) Recruiting a Host School Bailiff for each Zoom hearing room during each round of the competition
- 3) Recruiting judges
- 4) Providing information to visiting teams and judges prior to the competition
- 5) Pre-competition logistics management
- 6) Orienting competitors
- 7) Briefing judges
- 8) Scoring
- 9) Resolving disputes
- 10) Announcing results
- 11) Distributing copies of the Win/Loss Record & Master Score Sheet (“Master Score Sheet”) to competitors.
- 12) Sending original score sheets back to the ABA Law Student Division Chicago Office by hard or scanned copy.

## **Technology Requirements and Zoom Licenses**

**The Host school should work with their IT department to secure enough Zoom licenses and confirm the general ability of your school’s equipment to run the following Virtual Rooms throughout the competition:**

- Virtual Team Registration, which can then serve as a Team Hospitality Room for teams to congregate during breaks
- Judge Check in, which can then serve as the room for Judges’ Orientation
- One Zoom room per each 2 teams for each of the rounds. Each regional host school should expect 12-14 teams, so you should expect to set up 6-7 Zoom competition rooms. Only four teams advance to the semifinal round and two teams to the final round.
- One Host School Bailiff for each Zoom Room. This person will:
  - a. start and host the videoconference;
  - b. run the waiting and breakout rooms;
  - c. conduct a conflict check before the round starts;

- d. monitor non-competitors from turning mics and videos on and remove non-competitors from the virtual room should they turn on their mics or videos (only judges and competitors should be seen during the competition).
- e. monitor/prevent any recording of the rounds through the platform;
- f. pause the negotiation if a competitor or judge's video connection gets dropped;
- g. keep track of time, especially if there are technical issues during the round; and
- h. terminate and re-start the videoconference if there is a "Zoom bombing" or other major technical issues.

### **Recruiting Judges for the Competition**

You should have three judges per each competition Zoom room. It is suggested that you recruit an additional 25% more judges than you need, to cover inevitable last-minute cancellations. You must have a minimum of two judges per competition room. Begin recruiting judges at least six to eight weeks prior to the competition. If, three weeks prior to the competition, you don't have sufficient judges, you should notify your designated Arbitration Competition Subcommittee Member, who can provide suggestions for finding additional judges.

One of the best collateral benefits of a virtual competition is being able to invite lawyers and judges from a broad geographical area. Hosting a regional competition provides a wonderful opportunity to invite alumni who've moved out of town or state. Be sure to highlight the time zone of the competition, so judges can properly calendar it!

Recommended places from which to recruit judges:

- Alumni
- American Arbitration Association Neutrals
- JAMS Neutrals
- Neutrals from other arbitration organizations
- Local Arbitrators and ADR Lawyers
- Former Judges
- Local ADR Organizations
- Local (city, county, state) Bar Association
- ABA Section of Dispute Resolution
- ABA Law Student Division

One of the three judges in each room should have significant arbitration experience. He or she should be designated the Chair of the Arbitration Panel. Please attempt to balance the arbitral judge panels by age, gender, racial, and ethnic background to the extent possible.

### **Information for Teams and Arbitrator Judges before the Competition**

#### **Teams**

A sample introductory e-mail message is included in Appendix J. This message should be sent to your teams four to five weeks prior to the competition – immediately after you are notified which schools are attending your regional competition. The ABA Law Student Associate Director must be copied on this introductory message.

In the introductory email:

- Introduce yourself, and include your contact information.
- Provide relevant Zoom links for registration and trainings.
- Provide the day and time of the first scheduled event and the day and time of the last scheduled event.

A follow-up e-mail message should be sent two weeks prior to the competition. A sample is included as Appendix K. Include:

- Any additional information on Zoom links for registration and trainings.
- The final competition schedule.

Finally, the week before the competition, please send an e-mail from the Competition Administrator to Host School Teams to remind them of any special instructions for Teams and Coaches participating in the competition. This e-mail is included in Appendix I: Sample Message from Competition Administrator to Host School Teams.

#### Arbitrator Judges

A sample invitation and selection form is included in Appendix L. This message should be sent to your potential judge pool at least six to eight weeks prior to the competition. Include:

- Background information about the virtual competition and why it is so important to the competitors.
- What's in it for the Arbitrator Judges.
- What they have to do to prepare for the virtual competition.
- Time and date of rounds; include the judges' briefing in the start time. Be sure to include the time zone, which should be the time zone of the Host School.
- Zoom link for the Zoom room for judges' registration and judges' briefing.
- More details to follow to those who volunteer.
- Remember to attach the selection form.

A sample judge confirmation message is included in Appendix M. Your message should include:

- Time and date of rounds they've been assigned, with the time zone.
- Zoom link for the judges' registration and judges' briefing.
- Beginning time of the judges' briefing, followed by the start and end time of the competition, with time zones.
- Attach copies of the Electronic Competition Case File and Rule 8: Competition Procedures (Appendix Q).
- Link to the judges' evaluation form to be filled out at the competition

#### **Logistical Support (Pre-Competition)**

The ABA Law Student Division will provide Competition Administrators with contact information for their assigned Arbitration Competition Subcommittee Member. In addition, the ABA Law Student Division:

- Posts the electronic competition problem (case file) and rules to the Arbitration Competition webpage.

- Makes the regional assignments and provides the Competition Administrators with the list of schools that have been assigned to their region and advises the competitors of the region to which they have been assigned.
- Assigns team designations and creates team pairings. Please note that the information the ABA sends to the Regional Host Schools with the contact details for each team is private. This information should not be shared with the other teams in the Region.
- At the Competition Administrator’s request, can send electronic “Invitation to Judge” messages to ABA members on behalf of the host school.
- In the event of an unforeseen emergency that may necessitate delaying or cancelling the competition, making decisions on how to proceed in consultation with the Host School Administrator and the Arbitration Subcommittee.

### Regional Host Schools

- 1) Selects a group of volunteers (students and/or staff) to
  - a) Greet competitors and judges as they enter the Zoom registrations rooms and help to direct people to their assigned Zoom rooms for the competition rounds.
  - b) Receive the blank excel Master Score Sheet provided by the ABA.
  - c) Fill out the excel Master Score Sheet during the competition and share results with competitors.
  - d) Fill out Semi-Final Round and Final Round Brackets during the competition.
- 2) Organize and compile electronic packets of material for competitors to include:
  - a) Competition schedule.
  - b) List of schools and team designations.
  - c) Team pairings, listing room numbers/names for each round. The competitors’ version may include school names.
- 3) Organize and compile electronic packets of material for the Arbitrator Judges to include:
  - a) Competition schedule.
  - b) Electronic Competition Case File.
  - c) Instructions for Arbitrator Judges (Appendix C); Supplemental Rules for the Virtual Competition; 1 copy of each Respondent and Claimant Judge Notes (Appendix D); and the Timekeeping Sheet (Appendix E).
  - d) Team pairings, listing room numbers/names for each round. The judges’ version must not include school names.
  - e) Schedule listing round, room number, and judges assigned to that room (see Appendix N for example). Judges should not see the same team twice, if at all possible. If a judge must see a team again, try to make sure the team represents the opposite party from the previous round. This is not an issue during the first two rounds. You may move your judges around, but not the teams, during the first two rounds.

### Logistics (On Site)

#### Teams

- 1) All Competitors and Judges will Register in their designated Zoom registration rooms. Certificates of participation will be sent to the students by the ABA following the Regional Competition.

- 2) The electronic Evaluation Forms should be submitted by the Arbitrator Judges as soon as they are completed and **before** the critique period begins. The Arbitrator Judges will not provide written Comments to the teams during the virtual competition. The electronic Judges Notes are provided to assist the judges during the round and should not be distributed to the teams.

### Zoom Competition Rooms

- 1) Each Zoom room should have a Host School Bailiff who will perform the tasks listed on pages 1 and 2 of this virtual guide.

### Virtual Scoring Room

As mentioned above, the Host School should set up a Virtual Competition Administration Headquarters Room for calculating the Win/Loss Records and filling out the Master Score Sheet and for coaches or teams to visit should any issues that could arise during the competition.

Rule 9 states that Teams are ranked as follows:

1. Win/loss record
2. Number of judges' votes
3. Overall team score/points
4. Previous head-to-head competition (To easily record the head-to-head team comparison, the Competition Administrator should use the team pairing schedule and highlight the winning team from each room.)
5. Strength of schedule, based on number of ballots won by opponent
6. Margin of Victory
7. Random coin toss

To ensure that the proper W/L is marked, Competition Administrators **must** input each judge's score for the two teams s/he observed into the same column. For example, in round 1, let's say Judge Rayburn's evaluation form is the first form the Competition Administrator picked up when preparing to input scores into the Master Score Sheet. That makes Judge Rayburn Judge 1. Thus, Judge Rayburn's scores for the two competitors must be input into the Judge 1 column so that the determination of who received that judge's vote can be made by looking at the scores. See Rule 9 for additional details on scoring.

### Information for Teams at the Competition (Team Orientation)

- 1) Competitors learn their team designations when they sign in at the virtual registration/check-in desk. Hosts will receive a sign in sheet from the ABA for each team that lists all of the eligible competitors for each school. Schools should only be given the electronic sign in information for their school and should not see the sign in information for other schools until all schools have signed in. This page will list the team number(s) assigned to the school for their team(s) by the ABA. The schools will designate the students assigned to each team, and which team number each team is assigned.
- 2) Introduce Competition Administrators and advise where to find them in the Competition Headquarters Zoom room throughout the competition. If possible, request your law school Dean welcome the teams to the school; otherwise Competition Administrators should welcome the competitors.

- 3) After ascertaining that no Arbitrator Judges are in the room, invite Team Coaches to introduce themselves and their team members (not identifying home school).
- 4) Review information in the competitors' electronic packet; ensure everyone sees each item in the packet.
- 5) Review competition format (see Rules 5&6)
  - a) There are two qualifying rounds, with each team advocating on behalf of the claimant and respondent in different rounds. The top four teams will advance to the semifinal round. The two winning teams will meet in the final round. The brackets for the Semifinal and Final Rounds are located in Appendix G of this Guide.
  - b) Each round takes approximately three hours – 60 minutes for each team to present its case, a 10 minute break, 15 minutes for judges to independently evaluate the teams, and 20 minutes for Arbitrator Judges to critique both teams together in the same room.
- 6) Review competition procedures and Zoom room set-up (see Rule 8)
  - a) Teams are to remain anonymous. If Arbitrator Judges ask what schools the teams represent or what part of the country they are from, teams are to explain that the rules prohibit them from answering that question.
  - b) Student Lawyers are to remain seated during examinations.
  - c) Breakout rooms will be provided for each team to use during the permitted break and during judges' tabulation of scores (prior to judges' feedback).
- 7) Ask if there are any questions and answer them to the best of your knowledge. If necessary, you may contact your "on call" Arbitration Competition Subcommittee Member.

#### **Information for Arbitrator Judges at the Competition (Judges Briefing)**

- 1) Introduce Competition Administrators. Advise how and where they may be reached in the Competition Headquarters Zoom room throughout the competition.
- 2) Review Appendix C (Instructions for Arbitrator Judges).
- 3) Review the 2020-21 Supplemental Rules for the Virtual Competition.
- 4) Review the competition format (see Rules 5&6)
  - a) There are two qualifying rounds, with each team advocating on behalf of the Claimant and Respondent in different rounds. The top four teams will advance to the semi-final round. The two winning teams meet in the final round.
  - b) Each round takes approximately three hours – 60 minutes for each team to present its case, 10 minutes for a break, 15 minutes for judges to evaluate, and 20 minutes for Arbitrator-Judges to critique both teams.
- 5) Review the Virtual Evaluation Forms. Arbitrator Judges will receive a link to the Evaluation Form in an email from the Host Schools. Explain that the Arbitrator Judges should submit the Evaluation Forms **before** the feedback period. Explain that there will be no written

Comments provided during the virtual competition. Explain that the electronic Judges' Notes documents are for each judge's optional use only and should not be given to teams.

- 6) Explain the importance of the competition as a learning opportunity for the students and that one of the most valuable components of the competition is receiving feedback from practicing bar members and arbitrators. When giving oral critique at the end of the arbitration session, it is recommended that judges identify two things the teams did well and two opportunities for improvement. Be sure that all critiques are constructive in nature. Please do not limit your oral comments to telling the teams that they "did a good job."
- 7) When deciding which team, in your opinion, won the round, do not base your decision on the merits of the case, only on the teams' performances.
- 8) All three judges do not have to unanimously declare a winner—it is okay to have a split decision. That is why the judges should independently complete their Electronic Evaluation Forms. Further, there cannot be any ties on the Electronic Evaluation Form—one team must receive a higher score than the other from each judge.
- 9) The announcement of the top four teams will be made in a Zoom room set aside for that purpose. There should be no announcement of who won individual rounds. Arbitrator Judges may be present in the Zoom room when the advancement announcement is made, as long as these judges are finished judging the competition.
- 10) Ask if there are any questions and answer them to the best of your knowledge. If necessary, contact your "on call" Arbitration Competition Subcommittee Member.

### **Scoring**

The completed judges' evaluation forms will automatically feed into a google docs spreadsheet. It is recommended that two to three people use the information from the google docs spreadsheet to complete the Master Score Sheet. If possible, have two people **independently** enter the figures individually on two Master Score Sheets to ensure accuracy and eliminate calculation errors. At the discretion of the Competition Administrator, team coaches or representatives may be invited into the scoring room to observe the tallying process. This promotes transparency.

Because the third determinative measure is total score/points, the competition requires three scores for each team in the preliminary rounds. If there are more than three Arbitrator Judges in a round, a random selection process will be employed to determine which judge's electronic Evaluation Form will be excluded before any scores are examined, reviewed, or tabulated. The excluded forms should not be shared with the affected teams.

For the semifinal and final rounds only, whenever possible Competition Administrators shall impanel an odd number of Arbitrator Judges. The winner shall be determined by a majority of winning votes. In the event of an even numbered panel of 4 or more judges, one judge's score will be randomly excluded as set forth above.

- 1) The scoring sheets (Appendix F and G) are comprised of two parts:
  - a) Appendix F: *Master Score Sheet*—Enter each individual judge's vote (W=Win/L= Loss)

on the top side of the diagonal; and the score from that judge's electronic Evaluation Form in the bottom of the diagonal. Mark a W for the winner of each round. (There should be an equal number of Ws and Ls for each round.) Enter number of rounds won. In the columns on the left side of the sheet, note the total number of rounds won, the total number of judges' ballots won, and the total number of points scored for each team. The last column on the score sheet can be used to note the top four seeds going into the semifinal round.

- b) Appendix G: *Semifinal Round and Final Round Bracket* – Record the team pairings for the semifinal round, which teams advanced to the final round, and which team won the final round.
- 2) Teams are ranked as follows:
- a) Win/Loss record, as determined by the number of judges who scored the team higher (2-0, 1-1, or 0-1);
  - b) Number of Arbitrator-Judges' votes (a win can be 3-0 or 2-1);
  - c) Overall team score/points;
  - d) Previous head-to-head competition (To easily record the head-to-head team comparison, the Competition Administrator should use the team pairing schedule and highlight the winning team from each room.);
  - e) Strength of schedule, based on number of ballots won by opponent;
  - f) Margin of Victory
  - g) Random coin toss.
- 3) All determinations by Arbitrator Judges relating to the scoring of the teams and their performances are final and binding and are not subject to review, complaint, or protest except as provided in Rules 11, 13, and 14.
- 4) After the qualifying rounds, the top four teams will advance to the semifinal round. The two winning teams will meet in the final round. See Rule 3 for the pairings for the semifinal and final rounds.

### **Resolving Disputes**

A Competition Headquarters Zoom room should be created and staffed throughout the competition as a place where coaches and teams can reach out to the Competition Administrators regarding any questions or concerns. The individual(s) staffing the Zoom room should have contact information for the Competition Administrator, Ombuds, and Arbitration Competition Subcommittee immediately at hand. Disputes will be resolved as follows:

- 1) An Ombuds rules on and resolves complaints, rule violations, and disputes that occur during a competition. If a member of the Arbitration Competition Subcommittee is present during the competition, that member shall be the Ombuds, so long as the dispute/complaint does not involve that member's team. If no Subcommittee member is present, the Competition Administrator shall appoint an Ombuds and an Alternate. Ombuds and Alternates may be faculty members from the Host School, a professional from the community, or the Competition Administrator. The Ombuds shall act in accord with the competition rules, unless the matter involves an Ombuds who has a conflict of interest as determined by the Competition Administrator, in which case the Alternate shall act.

- 2) A violation of the rules governing the Arbitration Competition may subject a violator to a sanction as determined by the Ombuds. Sanctions may include a loss instead of a win, a lowering of the team score, disqualification from the competition, or any other appropriate sanction. Any sanction shall be commensurate with the violation, and the Ombuds will determine the degree of prejudice incurred by an opposing team or benefit gained by the violating team. The Ombuds may also determine that the violation was unintended and harmless error. A decision need not be made if the violation did not affect the result of a round or the outcome of the competition. The decision of the Ombuds is final and will not be reviewed except under extraordinary circumstances and in the discretion of the Arbitration Competition Subcommittee.

A violation of a rule by a coach, observer, or other person associated with a law school may subject the team from the law school to a sanction depending on the severity of the violation. Anyone may notify the Ombuds of a purported violation.

All protests arising out of the competition round are considered waived unless the protest is brought to the attention of the Ombuds before the beginning of the judges' critique.

The Ombuds, in consultation with anyone deemed appropriate by the Ombuds, shall promptly decide whether a violation has occurred and issue a penalty or resolve the dispute. The decision shall be made based on the nature of the offense or rule violation and: (1) whether the report is timely, (2) whether the offended team could have or did neutralize the effects of the offense; (3) what best promotes the objectives of the competition, and (4) what is fair to all teams.

The Ombuds may discuss the violation or dispute with the Arbitration Judges Panel and allow it to consider the matter in making its decision. **If the sanction is to be disqualification, the Ombuds, before imposing the sanction, is to attempt to immediately contact an Arbitration Subcommittee Member, who may overrule the decision of the Ombuds and impose a different sanction.** If an Arbitration Subcommittee Member is unavailable, the decision of the Ombuds is final and will not be reviewed except under extraordinary circumstances and at the discretion of the Arbitration Competition Subcommittee.

The Competition Administrator is to advise the Law Student Division Chicago Office of any dispute and its resolution in a post-competition report.

Complaints and protests should only be made for a significant violation of the rules, and are not intended to and should not become part of the competition. The failure of a team or law school to timely report a violation or dispute in accord with these rules shall be a waiver of the provisions of these rules.

### **Announcing Results**

The Host School should set up an open Zoom meeting room where all coaches, teams, and judges who have completed their judging may gather to learn the results of each round and which teams will advance to the next round. This may be the same Zoom room as the Team Registration Room.

The Competition Administrator must announce the teams that will advance to the semifinal round. Immediately after the announcement, the Competition Administrator must make available to the competitors a copy or copies of the Master Score Sheet. Competition Administrators may post a single copy of the Master Score Sheet electronically in such a manner that all coaches/teams may view the scores throughout the fifteen (15) minute review period.

### **Score Sheet Review Period**

Score sheets may be reviewed for mathematical errors for fifteen (15) minutes following the distribution of the Master Score Sheet. If a mathematical error is identified during the Review Period, corrections shall be made before beginning the semifinal round. Corrective computations shall be an open process. Failure to raise any objection to the computations on the Master Score Sheet within the Review Period shall be a defense to any subsequent protests following the preliminary rounds.

### **Advancing to the National Finals**

The first place team from each Virtual Regional Competition shall be invited to participate in the Virtual National Finals Competition, which will occur towards the end of January. Additional invitations may be issued as provided in Rule 3 on Team Pairings. These invitations are generally not determined and extended until after Thanksgiving.

### **Reporting Results to the ABA Law Student Division**

On the Monday following the Virtual Regional Competition, the Competition Administrator should e-mail to the Chicago office the following scoring documents:

- 1) Master Score Sheet
- 2) Semifinal Round and Final Round Brackets (identified by team designations and corresponding school names)

### **Questions / Comments**

Questions about the Arbitration Competition in general, rules interpretation, and the National Finals Competition may be directed to:

American Bar Association	Ph: 312.988.5621
Law Student Division	Fx: 312.988.6033
Attn: Arbitration Competition	<a href="mailto:ac@americanbar.org">ac@americanbar.org</a>
321 North Clark Street, 18 <sup>th</sup> Floor	
Chicago, Illinois 60654	

Competition information is available on the competition's web site at [www.ambar.org/lstdac](http://www.ambar.org/lstdac).

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## Appendix A

### Sample Regional Competition Schedule

#### Morning, Day 1

##### Round 1

8:00 am to 9:00 am	Welcome for Competitors & Coaches ( <i>Include the Zoom room link.</i> )
8:30 am to 9:00 am	Arbitrator Judges Briefing – ( <i>Include the Zoom room link.</i> )
9:00 am to 11:10 am	Arbitration Hearings (including break) (teams and coaches leave the Zoom room at the end of the hearing, but return in 15 minutes for the critique; only one coach allowed per team; no observers allowed)
11:10 am to 11:25 am	Arbitration Judges Break and Independently Complete and Submit Electronic Evaluation Forms
11:25 am to 11:45 pm	Arbitration Judges Critique both Teams together (maximum of 10 minutes per team)

#### Afternoon, Day 1

##### Round 2

11:45 pm to 1:30 pm	Break for lunch (on your own)
1:30 pm to 2:00 pm	Arbitrator Judges Briefing – ( <i>Include the Zoom room link.</i> )
2:00 pm to 4:10 pm	Arbitration Hearings (including break) (teams and coaches leave the Zoom room at the end of the hearing, but return in 15 minutes for the critique; only one coach allowed per team; no observers allowed)
4:10 pm to 4:25 pm	Arbitration Judges Break and Independently Complete and Submit Electronic Evaluation Forms
4:25 pm to 4:45 pm	Arbitration Judges Critique both Teams together (maximum of 10 minutes per team)
5:30 pm to 7:00 pm	Announcement of Semi-Finalists, Publishing of Master Score Sheet, and Distribution of copies of Evaluation Forms ( <i>include the Zoom room link</i> )

*After the two qualifying rounds, the top four teams will advance to the semifinal round. The two winning teams will meet in the final round.*

**Morning, Day 2**  
Semifinal Round

8:00 am to 9:00 am	Welcome for Competitors & Coaches – <i>(Include the Zoom room link.)</i>
8:30 am to 9:00 am	Arbitrator Judges Briefing – <i>(Include the Zoom room link.)</i>
9:00 am to 11:10 am	Arbitration Hearings (including break) (teams and coaches leave the Zoom room at the end of the hearing, but return in 15 minutes for the critique; only one coach allowed per team; no observers allowed)
11:10 am to 11:25 am	Arbitration Judges Break and Independently Complete and Submit Electronic Evaluation Forms
11:25 am to 11:45 pm	Arbitration Judges Critique both Teams together (maximum of 10 minutes per team)

**Afternoon, Day 2**  
Championship Round

11:45 pm to 1:30 pm	Lunch for Competitors & Coaches – <i>(Include the Zoom room link.)</i>
1:30 pm to 2:00 pm	Arbitrator Judges Briefing – <i>(Include the Zoom room link.)</i>
2:00 pm to 4:10 pm	Arbitration Hearings (including break) (teams and coaches leave the Zoom room at the end of the hearing, but return in 15 minutes for the critique; only one coach allowed per team; no observers allowed)
4:10 pm to 4:25 pm	Arbitration Judges Break and Independently Complete and Submit Electronic Evaluation Forms
4:25 pm to 4:45 pm	Arbitration Judges Critique both Teams together (maximum of 10 minutes per team)
5:00 pm	Regional Winner Announced <i>(include the Zoom room link)</i>

\*\*\*\*\*

Host schools may vary the schedule, so long as the time allotment for the arbitration hearings, Arbitrator Judges' evaluation preparation, and the critique session remains as follows:

Arbitration Hearings	130 minutes
Arbitration Judges Break and Evaluate	15 minutes
Arbitration Judges Critique Teams	20 minutes

## Appendix B

### Arbitration Competition Team Pairings 10-Team Regional Competition

Note: This Team Pairings sheet serves only as an example.

This year's virtual judge evaluations require team numbers instead of team color names.

You will receive a Team Pairings Sheet utilizing Team Numbers (versus Team Color Names) from the ABA prior to the Competition.

	<b>Room 1</b>	<b>Room 2</b>	<b>Room 3</b>	<b>Room 4</b>	<b>Room 5</b>
<b>Round 1</b>	Aqua vs. Blue	Chartreuse vs. Evergreen	Fuchsia vs. Green	Ivory vs. Khaki	Lavender vs. Magenta
<b>Round 2</b>	Magenta vs. Ivory	Blue vs. Fuchsia	Evergreen vs. Lavender	Green vs. Chartreuse	Khaki vs. Aqua

Round 1 Claimant  
Round 2 Respondent  
Aqua  
Chartreuse  
Fuchsia  
Ivory  
Lavender

Round 1 Respondent  
Round 2 Claimant  
Blue  
Evergreen  
Green  
Khaki  
Magenta

**Arbitration Competition Team Pairings  
12-Team Regional Competition**

Note: This Team Pairings sheet serves only as an example.

This year's virtual judge evaluations require team numbers instead of team color names.

You will receive a Team Pairings Sheet utilizing Team Numbers (versus Team Color Names) from the ABA prior to the Competition.

	<b>Room 1</b>	<b>Room 2</b>	<b>Room 3</b>	<b>Room 4</b>	<b>Room 5</b>	<b>Room 6</b>
<b>Round 1</b>	Aqua vs. Blue	Chartreuse vs. Evergreen	Fuchsia vs. Green	Ivory vs. Khaki	Lavender vs. Magenta	Navy vs. Orange
<b>Round 2</b>	Orange vs. Ivory	Blue vs. Navy	Evergreen vs. Lavender	Green vs. Aqua	Khaki vs. Chartreuse	Magenta vs. Fuchsia

Round 1 Claimant  
Round 2 Respondent

Aqua  
Chartreuse  
Fuchsia  
Ivory  
Lavender  
Navy

Round 1 Respondent  
Round 2 Claimant

Blue  
Evergreen  
Green  
Khaki  
Magenta  
Orange

## Arbitration Competition Team Pairings 14-Team Regional Competition

Note: This Team Pairings sheet serves only as an example.

This year's virtual judge evaluations require team numbers instead of team color names.

You will receive a Team Pairings Sheet utilizing Team Numbers (versus Team Color Names) from the ABA prior to the Competition.

	<b>Room 1</b>	<b>Room 2</b>	<b>Room 3</b>	<b>Room 4</b>	<b>Room 5</b>	<b>Room 6</b>	<b>Room 7</b>
<b>Round 1</b>	Aqua vs. Blue	Chartreuse vs. Evergreen	Fuchsia vs. Green	Ivory vs. Khaki	Lavender vs. Magenta	Navy vs. Orange	Purple vs. Red
<b>Round 2</b>	Red vs. Lavender	Khaki vs. Aqua	Evergreen vs. Navy	Blue vs. Purple	Green vs. Ivory	Magenta vs. Chartreuse	Orange vs. Fuchsia

Round 1 Claimant  
Round 2 Respondent

Aqua  
Chartreuse  
Fuchsia  
Ivory  
Lavender  
Navy  
Purple

Round 1 Respondent  
Round 2 Claimant

Blue  
Evergreen  
Green  
Khaki  
Magenta  
Orange  
Red

**Appendix C**  
**Arbitration Competition**  
**Instructions for Arbitrator Judges**

Thank you so much for being an Arbitrator Judge, because we could not have a successful competition without you! Below is an overview of the competition and what your role will be:

1. **ARBITRATION PANEL:** The arbitration panel should consist of 3 members, with 1 acting as Chair to make evidentiary and other decisions during the hearing. If a panel has fewer than 3 members, 1 member should still be appointed Chair. Decisions of the Chair are final.
2. **HEAD-TO-HEAD:** You will watch two teams compete head-to-head in an arbitration hearing. Teams have prepared both sides of the case; however, they have been assigned which side they will represent in this round. You are to evaluate the teams on their advocacy skills and not on the merits of the case.
3. **TEAM COMPOSITION:** Teams are comprised of 4 students, 2 who will act as attorneys, and 2 as witnesses. In a rare situation, a team may only have 3 members, with 2 members acting as attorneys and 1 member playing both witnesses. Teams may have an additional non-speaking, team member present to manage technology during the rounds.
1. **TEAM IDENTITY:** Teams will be assigned a neutral designation so you do not know what law school they attend. Please do not ask the students where they are from. However, if you recognize any law student, notify the administrator **before** the hearing begins so that you can be moved to another hearing room.
2. **FORMAT OF ROUND:** The round will last for 165 minutes:
  - 130 minutes for the hearing (60 minutes for each side to present its case plus a 10-minute break before summation),
  - 15 minutes for the judges to independently complete and submit their Electronic Evaluation Forms, with the teams and their coaches out of the Zoom room, and
  - 20 minutes of judges' feedback and critique with both teams and their coaches in the Zoom room at the same time (with the Panel giving each team about 10 minutes of feedback).

Teams may use their 60 minutes in any way they wish and are responsible for keeping track of their own time; however, the Arbitration Chair should make sure that teams do not exceed their 60 minutes. One Panel Member should be appointed Timekeeper.

7. **HEARING PROCEDURES/RULES:** The specific competition procedures regarding the hearing, time, proceedings, evidence, exhibits, and grading are contained in Rule 8 of the Arbitration Competition Rules. If you do not have a copy, ask for one. However, here is an overview of some of those rules:
  - a. The Chair shall swear in or affirm all witnesses at the beginning of the hearing before the openings: "Do you swear that your testimony shall be the truth?"
  - b. **Lawyers will sit during all phases of the hearings and need not stand for any objection or presentation.**
  - c. Panel Members may ask appropriate questions of the student lawyers only during opening and summation, but may not ask the witnesses any questions during their

examinations.

- d. The student attorney who is responsible to direct or cross-examine a witness may make appropriate objections. **Keeping in mind that this is an arbitration and not a civil trial, you are guided, but not bound by, the Federal Rules of Evidence.**
  - e. Objections that the evidence presented is not contained in the electronic case file or that a team is violating a competition rule should rarely be sustained and only if the violation is substantial and there is no other remedy for the claimed violation. Opposing teams may impeach a witness if the witness introduces facts beyond her/his statement.
  - f. Teams may bring and use visual aids, and if so, the team is responsible for bringing any exhibit or visual aid, easel, poster board, whiteboard, or flipchart it wishes to use during the hearing. The Host School may or may not provide any of this equipment. Rule 8.I.4-5.
8. **ELECTRONIC EVALUATION FORMS:** Once the 130 minute hearing is complete, teams should be excused from the room so that you can independently complete and submit your Electronic Evaluation Forms. Please make sure the team that you thought should win the round has the higher score. No ties or half points are allowed. The Electronic Evaluation Forms should be submitted **before** you bring the teams back for their critique. During your critique, please do not divulge which team received the higher score.

In addition to promoting the development of practical lawyering skills, the ABA seeks to promote an inclusive, educational, and positive experience for all competitors and coaches. The ABA appreciates your effort at providing measured, balanced, respectful, and constructive feedback that focuses on the competitor's negotiation skills.

Please refrain from making positive or negative comments on items that do not directly relate to the skills that the competition is seeking to promote. Such as:

- Comments on a competitor's appearance (including clothing, hair, and facial appearance)
- Comments on a competitor's accent, disability, or speech impediment
- Comments on religious clothing or jewelry
- Comments related to gender, gender identity, or gender expression
- Comments on a competitor's name or surname

Again, thank you for agreeing to be an Arbitration Judge during this competition, because we couldn't do it without **you**.

## Appendix D Judges' Timekeeping Sheet

The Chair will appoint a member of the Arbitration Judges Panel to serve as Timekeeper. Each team will have 60 minutes to present its case during the hearing, although not all the time has to be used. The timekeeper should use this sheet to keep track of the time and should stop each team after its 60 minutes has elapsed.

Claimant's Team: \_\_\_\_\_ Respondent's Team: \_\_\_\_\_

<b>OPENING STATEMENT</b>		
	Claimant _____	Respondent _____
<b>CLAIMANT'S CASE</b>		
	<b>Direct &amp; Redirect</b>	<b>Cross</b>
Claimant's 1 <sup>st</sup> Witness:	_____	_____
Claimant's 2 <sup>nd</sup> Witness:	_____	_____
TOTALS	_____	_____
<b>RESPONDENT'S CASE</b>		
	<b>Cross</b>	<b>Direct &amp; Redirect</b>
Respondent's 1 <sup>st</sup> Witness:	_____	_____
Respondent's 2 <sup>nd</sup> Witness:	_____	_____
TOTALS	_____	_____
<b>SUMMATION</b>		
	Claimant _____	Respondent _____
TOTALS	_____	_____

**Appendix E  
Virtual Arbitration Competition**

**Win/Loss Record & Master Score Sheet NOTE: Please use the Excel Version to be provided electronically by the ABA.**

Team	Round 1 Votes*					Round 2 Votes*					Preliminary Totals			
	Judge 1 W/L / Score	Judge 2 W/L / Score	Judge 3 W/L / Score	Overall Wins/Points	Round 1 Winners**	Judge 1 W/L / Score	Judge 2 W/L / Score	Judge 3 W/L / Score	Overall Wins/Points	Round 2 Winners**	Total # of Rounds Won***	Total # of Judges' Votes	Total Points	Place (1-4 only)
Aqua														
Brown														
Chartreuse														
Chestnut														
Fuchsia														
Green														
Ivory														
Khaki														
Lavender														
Magenta														
Navy														
Orange														
Purple														
Turquoise														

\*Enter each individual judge's vote (win = W / loss = L) on the top side of the diagonal; and the score from that judge's score sheets in the bottom of the diagonal.

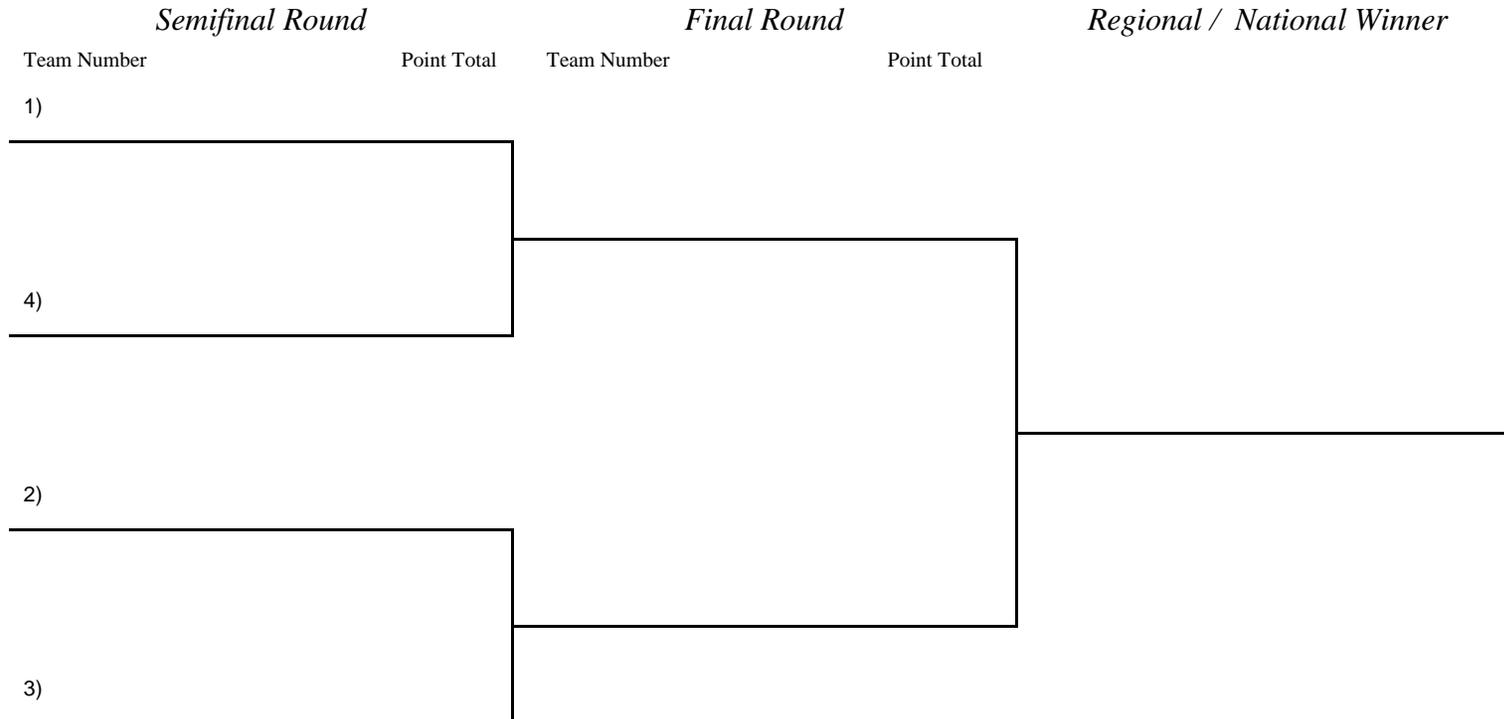
\*\*Mark a W for the winner of each round. (There should be an equal number of Ws and Ls for each round.)

\*\*\*Enter number of rounds won.

**Appendix F**  
**Virtual Arbitration Competition**  
**Semifinal Round and Final Round Bracket Instructions**

Notes on the Bracket:

- The numbers 1, 2, 3, and 4 below are intended to indicate the winning schools that ranked 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> in scores.
- If 2 teams from the same school advance to the Semifinal Round or the Final Round and end up competing against each other, do not break the bracket to move the teams. Instead, let the bracket play out and allow these teams to compete against each other.
- For the competition, please utilize the full-sized version of this bracket, which is located on the following page.



**Virtual Arbitration Competition**  
**Semifinal Round and Final Round Brackets**

*Semifinal Round*

*Final Round*

*Regional / National Winner*

Team Number

Point Total

Team Number

Point Total

1)

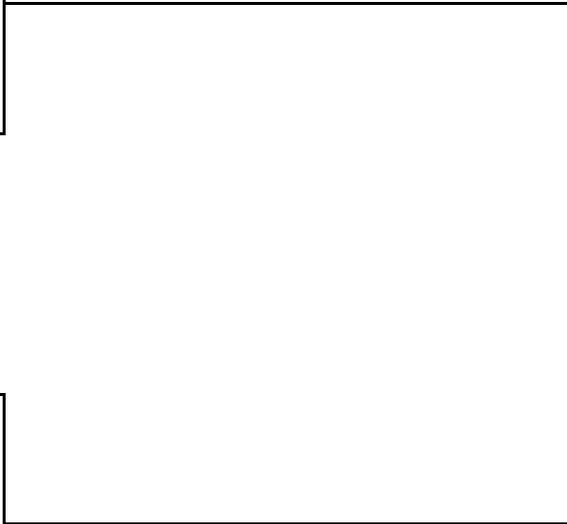


4)

2)



3)



**Appendix G**  
**Sample Message from Competition Administrator to Host School Teams**

This message should be sent to the host school's team from someone with authority such as the law professor in charge of your Board of Advocates or ADR Board, or Dean of Student Affairs.

Dear Teams and <Faculty Adviser>:

We are pleased that you will be representing the <Your Law School Name> this weekend at the Regionals of the American Bar Association's Law School Division Virtual Arbitration Competition. Please know that the <Competition Administrators> have been working very hard to make this a good experience for all teams.

The following information provides additional instructions for teams competing from our school.

**SPECIAL INSTRUCTIONS FOR TEAMS AND COACHES FROM THE HOST SCHOOL**

To avoid even the appearance of bias, please adhere to these guidelines:

1. Try to act like a visitor to our virtual competition. Try to blend in with the other competitors.
2. Please do not approach the Competition Administrator or students working the Zoom rooms unless it is with a tournament related question of the nature you would ask if you were at another school. For the most part, those questions should be handled by your Team Coach.
3. On the day before the competition, we will send your Team Coach a list of arbitration judges that we expect may be in your competition rooms. Please look over this list in your Team Coach's office, and let us know ASAP if you recognize any of the names on the list. You may not keep a hard copy of that list. We have already attempted to pull people we think you know.
4. Undoubtedly, there will be judges you DO know who are in other rounds. They will be instructed not to interact with you. Please do not interact with them.
5. Please quietly tell your Team Coach about anything that seems inconsistent with these guidelines. S/he will discuss them with me if necessary.
6. Like all competitors, you may not tell a judge what school you are from, even after the round. If another competitor or coach asks, you may tell them quietly and discreetly. Do not ask other competitors what school they are from.
7. Your Team Coach may have additional rules which you should follow.

These instructions are not intended to make you nervous, but are intended to benefit all of us. The important thing is just to concentrate on your rounds. Do well. I know you will.

Come see me next week!

<Professor / Dean \_\_\_\_\_>

## Appendix H

### Sample Introductory Email Message from Host School to Competing Teams

(Date)

(Designated Contact Person)

(Law School)

(E-mail Address)

Dear (Designated Contact Person):

The \_\_\_\_\_ Law School will host an ABA Law Student Division Virtual Regional Arbitration Competition, under the direction of (host Competition Administrator's name). The competition will be held on (dates), via Zoom.

Please see the Virtual Arbitration Competition Supplemental Rules for important technology requirements, recommendations, and physical space requirements for your participation in this year's Virtual Regional Arbitration Competition.

On \_\_\_\_\_, \_\_\_\_\_ all participating law school teams and coaches will meet at 8:00 am in the Virtual Competition Orientation Room (*include Zoom room link*) for the Orientation to this year's Virtual Competition. Each team will be given its team designation at that time.

We anticipate that the competition will end on \_\_\_\_\_, \_\_\_\_\_ at approximately 5:00 pm.

We are looking forward to hosting your school at the Virtual Regional Arbitration Competition. Please direct any host school-related questions to me. My office number is (phone number and extension); my e-mail address is \_\_\_\_\_. Any general competition-related questions should be directed to the ABA Law Student Division at 312.988.5622 or [ac@americanbar.org](mailto:ac@americanbar.org).

Sincerely,

(Your Name)

(Your e-mail address)

(Your phone number)

## Appendix I

### Sample Follow-Up Message from Host School to Competing Teams

(Date)

(Designated Contact Person)

(Law School)

(E-mail Address)

Dear (Designated Contact Person):

The \_\_\_\_ Law School is finalizing preparations for the ABA Law School Division Virtual Regional Arbitration Competition and wanted to provide you with last minute details.

As we mentioned in our previous message, this year's Virtual Regional Arbitration Competition will be held via Zoom. All participating law school teams and coaches will meet at 8:00 am in the Virtual Competition Orientation Room (*include Zoom room link*) for Orientation.

The competition schedule is attached for your review. Remember, the Orientation starts at 8:00 am \_\_\_\_\_ morning.

See you in a couple of weeks.

Sincerely,

Your Name

Your Phone Number

Your E-mail Address

## Appendix J

### Sample Invitation Message from Host School to Potential Arbitrator Judges

Dear (Potential Judge):

(Host name) invites you to judge the ABA Virtual Regional Arbitration Competition on November XX-XX, 20XX via Zoom. Competitors will be representing many law schools from the surrounding states.

This competition provides law students with legal training in arbitration and promotes excellence in arbitration advocacy. Participating students prepare and present an arbitration case and are involved in opening statements, witness examinations, exhibit introductions, evidentiary presentations, and summations.

The rounds will be held \_\_\_\_\_ and \_\_\_\_\_, November \_\_\_ and \_\_\_.

<b>Round 1</b>	_____	, November ___	(8:30 am to 11:45 am)
<b>Round 2</b>	_____	, November ___	(1:30 pm to 4:45 pm)
<b>Semifinal Round</b>	_____	, November ___	(8:30 am to 11:45 pm)
<b>Final Round</b>	_____	, November ___	(1:30 pm to 4:45 pm)

You will receive an electronic copy of the competition problem (electronic case file), instructions for judging, Competition Rule 8: Competition Procedures, and supplemental rules for this year's virtual competition. Reviewing these materials and our virtual competition training video is the only preparation requested of competition judges.

Volunteer practitioners, like you, make our competitions a foundational experience for law students honing their real-world skills. The Arbitration Competition provides a means for law students to practice and improve their practical skills.

Please contact me at (e-mail address) or (phone) by (due date) to let me know which round(s) you would like to judge or if you have any questions.

Sincerely,

Your Name

Your e-mail address

Your phone number

## Appendix K

### Sample Arbitrator Judge Confirmation Message from Host School

Thank you for volunteering to serve as an arbitrator judge at the ABA Law Student Division Virtual Regional Arbitration Competition.

Per your request, you are scheduled to judge Round \_\_\_\_ via Zoom.

Please check-in at the Judges Orientation Zoom room (*include Zoom room link*). Judging will begin with a 30-minute briefing session, which will start at \_\_\_\_\_. The three-hour round will conclude at \_\_\_\_\_. We will provide competition judges with all information on Zoom room assignments and links.

Please find attached to this message the Electronic Competition Case File, Instructions for Arbitrator Judges, Supplemental Rules for this year's Virtual Competition, and Competition Rule 8: Competition Procedures.

Thank you in advance for the generous donation of your time to help our future lawyers improve their arbitration advocacy skills.

Sincerely,

Your Name  
Your Phone Number  
Your E-mail Address

## Appendix L

### Sample Arbitrator Judges' Zoom Room Assignment

#### Round 1

\_\_\_\_\_, 9:00 am to 11:45 am

#### **Zoom Link**

Anton Dubramov (Chair)  
Angela Jones  
Steven Medina

#### **Room Link**

Jennifer Molina (Chair)  
Maxwell Anderson  
Susan Alexander

#### **Room Link**

Honore Valencia (Chair)  
Iqbal Patel  
Frances O'Donnell

#### **Room Link**

Ralph Everson (Chair)  
Johnson Vidale  
Michele Foster

#### **Room Link**

Ahmed Mohammed (Chair)  
Burt Cummings  
Denise Weatherstrom

#### **Room Link**

Miguel Rodriguez (Chair)  
Carole Young  
Veronique Sebastian

*(Be sure to create a judges' Zoom room assignment for each round, keeping in mind that the number of Zoom rooms required for the two preliminary rounds is different from the number of Zoom rooms required for the semifinal and final rounds.)*

*Host schools are encouraged to "name" each Zoom room so that there will be no confusion as to which room is accessed by which Zoom link.)*

*When creating Zoom rooms, configure the format so that only judges and participants are seen (and not coaches, the Host School Zoom Ambassador, or the technology assistant for either participating team).*

## Appendix M

### Outline for Orienting Coaches and Teams

- 1) Competitors learn their team designations when they sign the sign-in sheet at the virtual registration/check-in desk.
- 2) Introduce Competition Administrators and advise where to find them in the Zoom Competition Headquarters Room throughout the competition. Be sure to provide this Zoom room link to all participants. If possible, have your law school dean welcome the teams to the school; otherwise Competition Administrators should welcome the competitors.
- 3) After ascertaining that no judges are in the room, have team coaches introduce themselves and their team members.
- 4) Review information in the competitors' electronic packets, making sure everyone sees each item in the packet.

The electronic packets should include:

  - a) Competition schedule.
  - b) List of schools and team designations.
  - c) Team pairings, listing room numbers/names for each round. The competitors' version may include school names.
  - d) List of Zoom room links.
- 5) Review the virtual competition format (see Rules 5&6 and the Supplemental Rules).
  - a) There are two qualifying rounds, with each team advocating on behalf of the claimant and respondent in different rounds. The top four teams will advance to the semifinal round. The two winning teams will meet in the final round.
  - b) Each round takes approximately three hours – one hour for each team to present its case, 15 minutes for judges to evaluate and 20 minutes for judges to critique both teams.
- 6) Review competition procedures (Rule 8), Zoom room and breakout room set up, and the Supplemental Rules.
- 7) Ask if there are any questions and answer them to the best of your knowledge. If necessary, you may contact your “on call” Arbitration Competition Subcommittee Member.
- 8) Remind participants that coaches may not have direct communication with any of the arbitrator judges until the judge's participation in the competition is complete.

## Appendix N

### Outline for Briefing Arbitrator Judges

- 1) Introduce Competition Administrators and advise where to find them in the Competition Headquarters Zoom Room throughout the competition. Be sure to provide the link to this Zoom room.
- 2) Review information in the Arbitrator Judges' electronic packet.  
The electronic packets should include:
  - a) Competition schedule.
  - b) Competition rules.
  - c) Competition case file.
  - d) Judges' instructions (Instructions for Arbitrator Judges & Instructions for Hearings for Judges – Appendices C&D from Competition Rules)
  - e) Sample electronic evaluation forms.
  - f) Team pairings, listing room numbers/names for each round. The judges' version must not include school names.
  - g) Schedule listing round, Zoom room link and judges assigned to that room (see Appendix M for example). Judges should not see the same team twice, if at all possible. If a judge must see a team again, try to make sure the team represents the opposite party from the previous round. This is not an issue during the first two rounds. You may move your judges around, but not the teams, during the first two rounds.
- 3) Review competition format (see Rules 5&6)
  - a) There are two qualifying rounds, with each team advocating on behalf of the claimant and respondent in different rounds. The top four teams will advance to the semifinal round. The two winning teams will meet in the final round.
  - b) Each round takes three hours – one hour for each team to present its case, 15 minutes for judges to evaluate and 20 minutes for judges to critique both teams.
- 4) Review Appendix C (Instructions for Arbitrator Judges) of the competition rules.
- 5) Review the Electronic Evaluation Forms. Explain that the Arbitrator Judges should submit the Electronic Evaluation Forms **before** the feedback period. Arbitrator Judges will not provide any written feedback or comments to the teams during the Virtual competition.
- 6) Explain the importance of the competition as a learning opportunity for the students and that one of the most valuable components of the competition is receiving feedback from practicing bar members and arbitrators. When giving oral critique at the end of the arbitration session, it is recommended that judges identify a couple of things the teams did well and a couple of opportunities for improvement. Be sure that all critiques are constructive in nature. Please do not limit your comments to telling the teams that they “did a good job.”
- 7) When deciding which team, in your opinion, won the round, do not base your decision on the merits of the case, only on the teams' performances.
- 8) All three judges do not have to unanimously declare a winner—it is okay to have a split decision. That is why the judges should independently complete and submit their Electronic

Evaluation Forms. Further, there cannot be any ties on the Electronic Evaluation Form—one team must receive a higher score than the other from each judge.

- 9) The announcement of the top four teams will be made in a central location (*provide Zoom link.*) There should be no announcement of who won individual rounds. Arbitrator Judges may be present in the Zoom room when the advancement announcement is made, as long as these judges are finished judging the competition.
- 10) Ask if there are any questions and answer them to the best of your knowledge. If necessary, contact your “on call” Arbitration Competition Subcommittee Member.

## Appendix O

### Competition Procedures

#### A. Hearing

1. The Arbitrator Judges act as Arbitrators for the hearing and as Judges to **evaluate and critique the students. They comprise the Arbitration Judges Panel** (“Panel”).
2. The Chair of the Panel (“Chair”) shall be selected by the Regional Host School Competition Administrator or the National Finals Competition Administrator and shall preside over the hearing procedures and rule on any objections.
3. The case will be presented to the Panel as if they are the Arbitrators who would decide the merits of the case.
4. The Panel may ask questions of the lawyers only during their opening statements and summation but may not ask questions of the witnesses at any time.
5. The Chair shall swear in or affirm all witnesses at the beginning of the hearing before the openings: “Do you swear or affirm that your testimony shall be the truth?”

#### B. Time

1. Each team will have 60 minutes to present its case during a hearing. The time limit will be strictly enforced, although not all the time has to be used.
2. **Responsibility rests with the student lawyers to decide how they use their 60 minutes and to stay within their allotted time.** A *suggestion* for how that time may be allocated is as follows:

Opening Statement:	5 minutes
Direct and redirect examination of two witnesses	20-25 minutes
Cross-examination of two witnesses	15-20 minutes
Summation	10 minutes
3. The Panel should ensure the teams do not exceed their allotted 60 minutes. If resources or neutral volunteers are available, timekeeping devices or timekeepers may be provided by the host, but no individual identified with a team participant may act as timekeeper in that hearing. In addition, the Chair shall appoint an Arbitrator Judge to act as Timekeeper, who should use the Timekeeping Sheet in Appendix E.
4. The Chair determines when a team has used up its time and shall interrupt and stop a team that has exceeded its 60-minute time limit. If team members believe they were wrongfully stopped short of their allotted 60 minutes, team members must immediately raise that objection to the Panel. The decision of the Chair is final and non-reviewable and cannot be challenged under these rules.
5. The available time includes objections and rulings. If an opposing team makes numerous objections, the Chair has the discretion to allow the team that has lost time due to the objections an additional amount of time equal to the time lost. The Chair may also exercise discretion to allow extra time for a cross examining team where the opposing team’s witnesses unnecessarily draw out cross examination by answering beyond the question asked. (Alternatively, where a witness is talking excessively on cross examination, the Panel should allow the cross examining lawyer to control and/or cut off the witness to stay within the allotted time.) Finally, if the Panel asks several questions during Opening Statement and/or Summation, the Panel may wish to allow extra time to compensate.

6. The arbitrators shall provide for a 10-minute break for all participants between the conclusion of the presentation of evidence and the time for summations. Other breaks should not be necessary.
7. Arbitrator judges have discretion regarding how to handle the impact of technology glitches on the allotted time for each side.

### **C. Proceedings**

1. Teams must confine their presentation to the facts and legal issues contained in or supported by the case file. **Teams may not add claims or defenses not asserted in the case file and may not enhance their position by presenting evidence or arguments about other facts or legal issues.**
2. In each round, each student lawyer is to conduct one direct and one cross-examination, and either the opening or summation.
3. Each team is to have two different students act as the two witnesses, subject to Rule 2.
4. No team may waive/defer opening or summation or decline to offer or examine a witness.
5. Lawyers will sit during all phases of the hearings and need not stand for any objection or presentation.
6. No motions relating to the case, including motions to dismiss and motions to amend, may be made before, during, or after the hearing.
7. There is no brief or memo writing requirement as part of the competition.
8. The Panel Members may lower the score of a team that violates these rules.

### **D. Openings and Summation**

1. The claimant's lawyer begins with an opening statement immediately followed by the opening statement by the respondent's lawyer.
2. After both sides present their evidence, the respondent's lawyer gives a summation immediately followed by a summation by the claimant's lawyer.
3. No summation rebuttal is allowed.

### **E. Evidence**

1. Each team may present all relevant and reliable evidence. The parties may stipulate to the admissibility of exhibits, or they may reserve the right to argue admissibility to the Panel.
2. The Chair determines the admissibility of evidence and rules on objections, may consult with the other Panel Members, and is guided by, but not bound by, the Federal Rules of Evidence.
3. Lawyers may make appropriate objections, which must be brief and supported by an evidentiary basis. Responses should be permitted by the Chair only where an offer of proof is appropriate.
4. A team may ask the Panel to take arbitral notice of uncontroverted facts.

### **F. Applicable Law and Procedure**

1. Arbitrations will be conducted in accordance with generally acceptable arbitration procedures.
2. The question of what substantive law applies is an issue that can be argued by the lawyers

and will not be decided by the Panel before the arbitration. Within the bounds of the rules contained in Rule 8 and other Rules of the Arbitration Competition Rules, the lawyers may argue what they deem appropriate regarding why their client should win. Lawyers may argue by analogy the law of real jurisdictions.

3. The Panel may award attorney fees only if the applicable law and the case file facts permit the award of fees.
4. A party may not ask for additional damages or any other relief beyond what is sought in the arbitration claim or counterclaim; however, a party may ask for lower damages or less relief.
5. The application of the rules to a specific case and its presentation by a team shall be determined by the Chair, and the procedural rulings by the Chair are final and cannot be subsequently challenged by a team or reviewed by anyone else.

## **G. Examinations**

1. Only one lawyer may ask questions on direct examination.
2. Only this same lawyer may object to cross-examination questions.
3. Only the lawyer conducting the cross-examination may object to direct examination or redirect examination questions.
4. Only the lawyer who conducted the direct examination may conduct redirect examination, within the allocated time, limited to relevant matters raised by the cross-examination that are not repetitive of the direct examination.
5. No re-cross examination is allowed.

## **H. Witnesses**

1. Each team must call the two listed witnesses and may not call an opposing witness as an adverse witness or any other witness.
2. The parties and witnesses are gender neutral, unless indicated differently in the case file.
3. Witnesses may not bring with them to the witness chair any written answers to questions, witness notes, or any part of the case file. A witness may testify about and use any exhibit that is relevant and proper for the examination, which the lawyers offer the witness.
4. Witnesses on direct examination may only be asked about and testify to: (1) the facts contained in the case file; (2) additional, consistent facts that are a clear and obvious inference from the direct facts provided; and (3) non-material facts relating to the background of the witness that are appropriate for the fact situation. Be aware that the evaluation form contains the following language, “Based on your observation, do you believe the team violated the ethical standards of the legal profession? For example, did the team misrepresent material facts or invent self-serving material facts?”
5. Witnesses on cross-examination may be asked if counsel who conducted the direct examination suggested that additional, non-existent (outside of the record) facts be offered on direct. Witnesses may also be impeached with case file documents that establish the non-existence of the facts. The witness may only respond that the statement or document does not contain the fact and may not explain the absence of the fact. For example, a witness may not respond “I wasn’t asked.”
6. If a witness on cross-examination is asked about facts that are not contained in the case file and that were not added during direct examination, the witness may respond by adding an appropriate detail in response to the question.

7. A witness on redirect examination who is impeached during cross-examination may be asked to explain the basis of an inference drawn from the facts.
8. During redirect examination, the opposing lawyer may object to any new facts introduced during redirect and seek a ruling from the Chair that the re-direct has exceeded the scope of cross-examination.
9. Witnesses shall not be sequestered, and teams are not to request sequestration.

## **I. Exhibits**

- A. All documents, statements, discovery responses, depositions, diagrams, photographs, signatures, and other materials included as part of the case file are deemed to be originals and authentic. All documents, records, and other materials that were sent to or by a witness are deemed to have been received or sent by that witness. The case file may contain facts that vary from these instructions and, if so, the case file controls.
- B. Teams are encouraged to develop, introduce, and use demonstrative exhibits and visual aids that assist in the presentation of evidence and arguments and that help the Panel understand the case. Case file materials may be enlarged or used as long as they are identical or are substantially identical and do not distort the facts or law. Demonstrative exhibits and visual aids are limited to information that is contained directly or by reasonable inference in the case file.
- C. An opposing team may not use another team's exhibits or visual aids, unless both teams agree.
- D. A team is responsible for bringing any exhibit or visual aid, easel, poster board, whiteboard, or flipchart it wishes to use during the hearing. The Host School may or may not provide any of this equipment.
- E. Teams may present electronic versions of any written or prepared exhibits, visual aids, or other materials that are introduced or used during the hearing to each of the Arbitrator Judges or to the Panel. These materials may be presented at the beginning of the hearing or during the hearing as they are used, at the discretion of the Panel and/or the teams.
- F. Teams can use their own arbitration notes, copies of which are not to be provided to the Panel. If the Panel asks for a copy or asks to see a book, student lawyers are to advise the Panel that they cannot see student notes.

## **J. Team Identification**

1. Participants, coaches, and observers shall not divulge the identities of their schools directly or indirectly during the competition to the Arbitrator Judges. The identity of team schools is not to be divulged to an Arbitrator Judge until that Judge has completed all judging for that competition. If an Arbitrator Judge asks a team member which school the team member represents, the member should respond that the rules do not permit the divulging of that information until the competition is completed.
2. Host Schools should endeavor to avoid any appearance of unfairness resulting from hosting the competition. A Host School coach or faculty member who would be readily identifiable by the Arbitrator Judges is to avoid being seen with that Host School's team(s), and someone who is not readily identifiable may accompany the Host School team(s) to the hearings.
3. Material at counsel table or on the Zoom screen or background may not contain any personally identifying logos, school names, or anything that may indicate from which

school the team originates. Prohibited items include class rings, pens, binders with the school's logo or team colors, and the like.

#### **K. Evaluation**

Immediately after the arbitration hearing, the students, coaches, and any observers shall leave the room and the Arbitrator Judges shall individually complete and submit the Electronic Evaluation Form for each team. Thirty-five minutes are available for the scoring and evaluation by the Arbitrator Judges (15 minutes for scoring and 20 minutes total for evaluation with 10 minutes of evaluation for each side).

## Appendix P

### TIMELINE WITH CHECKLISTS FOR HOST SCHOOL ADMINISTRATORS

The following checklists are provided to help you prepare for the Regional Competition.

#### **6 Weeks Before the Competition**

- 1. Carefully read the Arbitration Competition Rules, the Supplemental Rules for the Virtual Competition, and the Arbitration Competition Virtual Regional Administrative Guide.**
  - The Rules, Supplemental Rules, Virtual Regional Administrative Guide, and other documents are available at <https://abaforlawstudents.com/events/law-student-competitions/practical-skills-competitions/arbitration-competition/>
  - Please carefully read the Arbitration Competition Rules and Supplemental Rules for 2020-21. Our goal is that competitors all over the United States have similar experiences during their virtual regional competition. In order to achieve this goal, it is important that every region follows the same rules.
  - The Virtual Regional Administrative Guide and the Supplemental Rules include all of the information you will need to organize and execute a successful Virtual Regional Competition. Please carefully read the Virtual Regional Administrative Guide and the Supplemental Rules for information on steps to be completed in the months and weeks leading up to the Competition and for information on the format of the Virtual Competition.
- 2. Familiarize yourself with the Virtual Arbitration Competition format.**
  - If you have never participated in or run an Arbitration Competition, please view an [ABA video](#) of a past competition as an example of the Competition format.
- 3. Create a Committee to oversee the Arbitration Virtual Regional Competition.** You may wish to assign specific Committee members to specific tasks, including:
  - Zoom licenses
  - Setting up Zoom rooms for Judges' Registration and Briefing; Teams & Coaches Registration and Orientation; a main Competition Headquarters Room; and a Zoom room with breakout rooms per every 2 teams in each Round of the Competition.
  - Recruiting judges and alternates
  - Communicating by e-mail with contact persons at participating schools
  - Creating electronic packets for judges and for teams prior to the competition
  - Administering the competition
- 4. Confirm technology set-up and capability with your IT Department.**
- 5. Create all of the Zoom rooms that you will need on site during the Competition.** You will need:
  - One Zoom Registration Room for Teams. This can also be used as a Hospitality Room for teams to congregate during breaks.

- Six to Seven Competition Zoom Rooms, with breakout rooms. You will need one competition Zoom room per each two teams. Each regional host school should expect 12-14 teams, so you should set up six to seven competition Zoom rooms.
- One Host School Bailiff for each Zoom room.
- One Zoom room for the arbitrator judges' registration and judges' briefing, which takes place before each round. Expect three judges for each competition room per round.
- One Competition Administrative Headquarters Zoom Room, where teams and coaches can find you for questions or concerns, for tallying the scores, etc.

#### **4-6 Weeks Before the Competition:**

- 1. Attend at least one Host Conference Call.** Call times, the conference call Dial-in #, and the Access Code will be provided to you by the ABA Law Student Division Arbitration Competition Subcommittee via e-mail one week prior to each Host call.
- 2. Send Competition information to the contact person for each participating team in your region no earlier than 4 days and no later than 7 days after receiving team assignments from the ABA.** Waiting until the 4<sup>th</sup> day will ensure that any conflicts are resolved and that you are e-mailing the correct teams. Sending the e-mail no later than the 7<sup>th</sup> day will provide all teams with enough time to make arrangements to compete. Send a copy to the Law Student Division Arbitration Competition Subcommittee.

A sample e-mail is included in Appendix I of the Virtual Regional Administrative Guide. This e-mail needs to include the following information and attachments:

- Introduce yourself, and include your contact information.  
Provide the Zoom link for the Teams' and Coaches' Orientation.
  - Provide the day and time of the first scheduled event and the day and time of the last scheduled event.
- 3. Recruit Judges.** You should have three judges per each competition room. It is suggested that you recruit an additional 25% more judges than you need, to cover inevitable last-minute cancellations. You must have a minimum of two judges per competition Zoom room. Begin recruiting judges now - at least six to eight weeks prior to the competition. If, three weeks prior to the competition, you don't have sufficient judges, you should notify your designated Arbitration Competition Subcommittee Member, who can provide suggestions for finding additional judges.

Recommended places from which to recruit judges:

- Alumni
- American Arbitration Association Neutrals
- JAMS Neutrals
- Neutrals from other arbitration organizations
- Local Arbitrators and ADR Lawyers
- Former Judges
- Local ADR Organizations
- Local (city, county, state) Bar Association
- ABA Section of Dispute Resolution

- ABA Law Student Division

A sample invitation and selection form is included in Appendix K of the Regional Administrative Guide. This message should be sent to your potential judge pool six to eight weeks prior to the competition. Include:

- Background information about the competition and why it is so important to the competitors.
- What's in it for the Arbitrator Judges.
- What they have to do to prepare for the competition.
- Time and date of rounds; include the judges' briefing in the start time.
- Zoom room link for the Judges' registration and briefing.

## **2-4 Weeks Before the Competition**

### **1. Send confirmation e-mail to participating judges.**

When an individual has agreed to judge the competition, a letter or email should be sent confirming that agreement and explaining when and where the judge should report virtually on the day of virtual competition.

A sample judge confirmation message is included in Appendix L of the Virtual Regional Administrative Guide. Your message should include:

- Time and date of rounds they've been assigned.
- Beginning time of the judges' briefing, followed by the start and end time of the competition.
- Zoom room link for the Judges' Registration and Briefing.
- Attach copies of the Competition Case File and Rule 7 (Competition Procedures).
- Attach the Supplemental Rules for the Virtual Regional Competition.

### **2. Confirm a group of staff and/or students to assist you with preparing electronic packets and to assist you in running the virtual competition.** Work to be completed includes:

- Compiling and labeling electronic packets and folders prior to competition.
- Creating Zoom Rooms for Judges Orientation, Teams and Coaches Registration, and the Competition Headquarters.
- Greeting competitors and judges as they enter the Registration Zoom rooms.
- Helping to direct people to the appropriate Zoom room.
- Entering scores into the Master Score Sheet during the competition.

## **2 weeks before the Competition:**

- 1. Finalize recruitment of judges at least 2 weeks prior to the Competition.** Continue to send confirmation emails to judges. If you are having trouble recruiting, please contact the ABA Law Student Division Arbitration Subcommittee immediately.
- 2. Create the pairings/bracket according to the Virtual Regional Administrative Guide.** You **MUST** use the pairings/bracket listed in the Virtual Regional Administrative Guide. You may not pair the teams yourself. Locate the pairings associated with the number of teams in your region.

All ABA Law Student Division competitions prohibit the identification of a team's law school. The ABA will assign each team a random designation. The schools' identity shall not be divulged to any judge until after completion of the regional competition.

- 3. Send attending schools a follow-up e-mail 2 weeks prior to the Competition.** A sample is included as Appendix J in the Virtual Regional Administrative Guide. Include:
  - Zoom room link for Teams' and Coaches Registration
  - Competition schedule.

## **1 week before the Competition:**

It is time to finalize all plans. Please contact the ABA Law Student Division Arbitration Subcommittee if you are having problems with any part of the competition preparations.

If you haven't already, it is time to work on the following items:

- 1. Assign the Judging Panels and make Zoom Room Assignments.** Decide which judges will judge each round and in what Zoom room. Attempt to vary the panels by age, area of practice, and law school. If local professors must judge, make sure that they will not observe teams representing your school.
- 2. Prepare the Judges' Electronic Packets.** Organize and compile electronic packets of material for the Arbitrator Judges to include:
  - i) Competition schedule.
  - ii) Competition Case File.
  - iii) Instructions for Arbitrator Judges (Appendix C of the Virtual Regional Administrative Guide); sample Electronic Evaluation Forms (Appendix D of the Virtual Regional Administrative Guide); and the Timekeeping Sheet (Appendix E of the Virtual Regional Administrative Guide). The Electronic Evaluation Forms are available at (include link once we have it).
  - iv) Team pairings, listing Zoom room links and room names for each round. The judges' version must not include school names.
  - v) Schedule listing round, Zoom room link, and judges assigned to that Zoom room (see Appendix M of the Virtual Regional Administrative Guide for an example). Judges should not see the same team twice, if at all possible. If a judge must see a team again, try to make sure the team represents the opposite party from the previous round. This is not an issue during the first two rounds. You may move your judges around, but not the teams, during the first two rounds.
- 3. Prepare the Participants' Electronic Folders/Envelopes.** Organize and compile electronic packets of material for competitors to include:
  - vi) Competition schedule.
  - vii) List of schools and team designations.
  - viii) Team pairings, listing room numbers/names for each round. The competitors' version may include school names. Remember, you **must** use the pairings/bracket from the Virtual Host School Instructions. You cannot pair the teams yourself.
  - ix) List of Zoom rooms with corresponding links.

## **The Day of the Competition**

### **SET UP THE MAIN ZOOM ROOMS**

Competition Headquarters Zoom Room

Judges' Registration and Briefing Zoom Room

Teams & Coaches Registration and Orientation Zoom Room

### **SET UP THE COMPETITION ZOOM ROOMS**

One Zoom room per each set of 2 teams for each round of the Competition.

Make sure each Zoom room has a Host School Bailiff and breakout rooms and all required Zoom capabilities (such as waiting room, whiteboard, screen share, etc...).

### **REVIEW ALL RULES AND INSTRUCTIONS, INCLUDING VIRTUAL SUPPLEMENTAL RULES**

Review the Rules, Supplemental Rules and the Virtual Regional Administrative Guide. If you need an interpretation of a rule, confer with the ABA Law Student Division or your assigned Arbitration Competition Subcommittee member as soon as possible.

### **HOST SCHOOL'S COMPETITION COMMITTEE/HELPERS**

Make sure that members of your school who are part of the competition committee and will assist in running the day's competition are easily identifiable.

### **HOLD AN ORIENTATION MEETING FOR TEAMS AND COACHES**

A welcome and orientation meeting should happen 60 minutes BEFORE the start of the first round. Flush out any questions over the rules and who can watch.

Also instruct the teams and coaches that each school's identity should remain anonymous before, during, and after the round. Make sure that no spectators are wearing or carrying anything that would indicate what school is represented.

All protests MUST be made in compliance with the Rules.

An Outline for Orienting Coaches and Teams is included in Appendix N of the Virtual Regional Administrative Guide.

### **HOLD A JUDGES' BRIEFING**

You must hold a briefing for all judges before each round. The briefing should happen 30-60 minutes BEFORE the start of the first round. An Outline for Briefing Arbitrator Judges is located in Appendix O of the Virtual Regional Administrative Guide.

## **SCORING**

Someone from the Host School should be available in the Competition Headquarters Zoom Room throughout the competition for questions from competitors and judges.

To facilitate the scoring process, the Electronic Evaluation Forms should be submitted and **before** the critique period begins. Arbitrator Judges will not provide written Comments to the teams during the Virtual Competition.

### **Scoring Zoom Room**

The Competition Headquarters Zoom Room may be used for scoring. You will need Calculators, a Laptop with Excel version of the Master Score Sheet loaded, and a Paper Master Score Sheet.

Rule 9 states that Teams are ranked as follows:

1. Win/loss record
2. Number of judges' votes
3. Overall team score/points
4. Previous head-to-head competition (To easily record the head-to-head team comparison, the Competition Administrator should use the team pairing schedule and highlight the winning team from each room.)
5. Strength of schedule, based on number of ballots won by opponent
6. Margin of Victory
7. Random coin toss

To ensure that the proper W/L is marked, Competition Administrators **must** input each judge's score for the two teams s/he observed into the same column. For example, in round 1, let's say Judge Rayburn's evaluation form is the first form the Competition Administrator picked up when preparing to input scores into the Master Score Sheet. That makes Judge Rayburn Judge 1. Thus, Judge Rayburn's scores for Aqua and Blue must be input into the Judge 1 column so that the determination of who received that judge's vote can be made by looking at the scores. See Rule 9 and pages 9-11 in the Regional Administrative Guide for additional details on scoring.

## **ANNOUNCING RESULTS**

The Competition Administrator must announce the teams that will advance to the semifinal round. Immediately after the announcement, the Competition Administrator must make available to the competitors a copy or copies of the Master Score Sheet in Appendix F of the Regional Administrative Guide. Competition Administrators may post a single copy of the Master Score Sheet in such a manner that all coaches/teams may review the scores.

Score sheets may be reviewed for mathematical errors for fifteen (15) minutes following the distribution of the Master Score Sheet. If a mathematical error is identified during the Review Period, corrections shall be made before beginning the semifinal round. Corrective computations shall be an open process. Failure to raise any objection to the computations on the Master Score Sheet within the Review Period shall be a defense to any subsequent protests following the preliminary rounds.

### **NOTIFY THE ABA OF THE REGIONAL WINNERS**

Report the regional results to the Law Student Division Chicago office on the Monday morning following your regional competition. Please email the ABA Law Student Division Arbitration Competition Subcommittee the winning school, team member names, master score sheet, semifinal round bracket, and Final Round bracket. The Arbitration Competition Subcommittee will use this information in deciding any protests and in determining what teams should attend the National competition in the event that higher ranking teams choose not to attend.

### **SEND THANK YOU LETTERS TO EVERYONE**

You should thank everyone who donated time, effort or assistance to the competition. This ensures that you and your advocacy program will look good, as well as the competition itself. You also might consider sending judges a listing of the names of the individuals and teams that placed in the competition to satisfy their curiosity.

Thank *you* for hosting the ABA Virtual Regional Arbitration Competition. We know this is a large undertaking, and we appreciate the experience you are providing for attorneys of the future. Do not hesitate to contact us before or during your regional competition.

**The American Bar Association Law Student Division's Arbitration Competition Subcommittee**