



AMERICAN **BAR** ASSOCIATION

Law Student Division

2021-22 ARBITRATION COMPETITION RULES

(Rules specific to virtual competitions are highlighted in yellow and serve to supplement—not replace—the regular Rules, unless stated otherwise.)



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AMERICAN BAR ASSOCIATION LAW STUDENT DIVISION
ARBITRATION COMPETITION RULES

ARBITRATION COMPETITION HISTORY/PURPOSE, SUBCOMMITTEE, AND COMPETITION OVERVIEW:

A. Arbitration Competition History/Purpose

- The American Bar Association Law Student Division developed the Arbitration Competition in 2005 to promote excellency in arbitration advocacy by providing law students with arbitration education and training. Participating students experience what it is to be a professional, competent, and ethical advocate for a client during a simulated arbitration hearing, which includes opening statements, witness examinations, exhibit introductions, evidentiary presentations, and summations.
- Details about the Arbitration Competition can be found here:
<https://abaforlawstudents.com/events/law-student-competitions/practical-skills-competitions/arbitration-competition/>
- To contact the ABA Law Student Division about the Arbitration Competition, use the following:
American Bar Association Law Student Division
Attn: Arbitration Competition 321 North
Clark Street, 18th Floor
Chicago, Illinois 60654
312/988-5671
ac@americanbar.org.

B. Arbitration Competition Subcommittee (ACS)

- The ABA Law Student Division (ABA) and the Arbitration Competition Subcommittee (ACS—consisting of at least three members, who are generally law school faculty) of the Competitions Committee conduct this competition.
- The ACS assists Regional Host Schools with administering the Regional Competitions.
- The ABA and the ACS directly administer the Arbitration National Competition.
- The ACS, in its sole discretion, shall interpret these rules and may create additional rules to govern situations not covered by these rules or to ensure fairness in the competition. Its decisions are final.
- The ACS is responsible to develop the Case File for the Regional and National Competitions.

C. General Competition Overview

1. Competition Overview:

- The Arbitration Competition (AC) has Regional Competitions with the winners of each Regional advancing to the National Competition.
- Both the Regional and National Competitions consist of two Preliminary Rounds, a Semifinal Round, and a Final Round.
- A sample competition schedule is located in [Appendix A](#).
- Participant Expenses. Law schools or participants are responsible for their registration, travel, lodging, food, and incidental costs incurred in the competitions. The ABA does not reimburse these expenses. Expense funds may be obtained from sources outside the law school, such as alumni groups, bar or arbitration associations, law firms, and others.

2. Regional Competitions—Timing & Locations, Regional Assignments, and Regional Hosts

a. Timing & locations

- Regional competitions generally occur in November or the end of October.

- Deadlines and regional locations can be found here:
<https://abaforlawstudents.com/events/law-student-competitions/practical-skills-competitions/arbitration-competition/arbitration-competition-dates-locations/>

b. Regional Assignments

- The ABA assigns each school to a regional site after considering each school's Regional Preference Form. Each school is required to submit a completed Regional Preference Form by the deadline listed on the AC Dates & Locations webpage.
- Schools should consult the AC Dates & Locations page on the AC homepage and determine any scheduling conflicts prior to submitting the Regional Preference Form.
- No travel arrangements should be made until the school has received written confirmation of its regional assignment from the ABA's Chicago Office, and final confirmation of the schedule from its assigned Regional Host School.
- Once regional sites are assigned, a school requesting to change regions must show good cause, and the request must be submitted via email to the ABA's Chicago Office (see contact information above in A) within three days of the notification of regional assignments. Modifications will only be made for extenuating circumstances not known at the time the school submitted its Regional Preference Form, and if space is available to move the requesting team(s) to a different regional site.
- Each winning team from the Regional Competitions will receive a trophy for the school, as well as individual certificates for the team members. These awards will be distributed during the National Competition.

c. Regional Hosts

- To share the responsibility for hosting the Regional Competitions, each participating school is expected to host a Regional Competition approximately every five years.
- For the convenience of schools, the ABA will seek to schedule Regional Hosts up to five years in advance.
- Any school unable to host when scheduled is responsible for finding another host for that year. The ABA reserves the right to disqualify a school from participating in the competition for up to two (2) years if it fails to host as scheduled and does not find a replacement host.
- The ABA provides Regional Hosts with assistance, an assigned ACS member, and Regional Competition Host Guides/Checklists (see [Appendix J](#)).
- Host School Expenses. Because Host Schools are expected to provide refreshments and lunches during the day and a reception during the course of the competition, the ABA provides a subsidy of \$150 per participating team to help the Regional Host School defray these costs. Additionally, the entry fee for the Host School's first team is waived.

3. National Competition

- The first place team from each Regional Competition shall be invited to participate in the National Competition, which will typically occur towards the end of January.
- If additional teams are needed, the ABA and the ACS will select one or more teams as needed from the Regional Competitions.
- These invitations are generally sent after Thanksgiving.
- The ABA will send advancing teams the National Competition schedule, location, facilities, and lodging arrangements.
- Unless it's unavoidable, no team will compete against another team from its Regional Competition in the preliminary rounds of the National Competition.
- The first place team from the National Competition will receive a trophy for the school and

individual certificates for the team members. The second place team from the National Competition will receive a certificate for the school and individual certificates for the team members.

RULE 1—REGISTRATION, ELIGIBILITY, and CANCELLATION

A. Registration Process

1. All ABA-approved law schools are eligible to enter up to two teams in the competition.
2. The ACS has discretion to allow additional teams as necessary.
3. To enter the competition, a team must obtain approval from the law school's dean and secure a faculty member to serve as an advisor. **If a law student is listed as the faculty contact on the entry form, the team may be disqualified.**
4. Teams must submit entry forms no later than the announced deadline.
5. In addition, payment must be received by the entry deadline. The deadline and entry fees are posted to the ABA Law Student Division's website (www.ambar.org/lstdac). If payment is not received, the school's registration may be canceled.
6. Acceptance of entry forms received after the announced deadline is at the ACS's discretion, and if accepted, a late registration fee of \$50 may be imposed.

B. Student Eligibility

1. Competitors and alternates must be pursuing a JD at an ABA-accredited law school and enrolled at the time of the Regional Competition.
2. Students pursuing an LLM or students already licensed in the United States are not eligible to compete.
3. Although they may compete at the regional level, students who graduate or visiting students who return to their degree-granting institution in between the Regional Competition and National Competition cannot be substituted at the National Competition. Teams must have at least 3 members to compete at the National Competition; therefore, should 2 team members be ineligible to compete at the National Competition under this rule, that team cannot compete at the National Competition.
4. However, students who competed at the Regional Competition and then graduate are eligible to compete at the National Competition. These students are encouraged to confirm eligibility and reimbursement with their schools.

C. ABA *premium* membership required for all eligible competitors.

1. Eligible competitors and alternates must be *premium* members of the ABA Law Student Division, which requires an annual fee of \$25.00. To join, please call the ABA Service Center at 800.285.2221 or visit the ABA website at www.ambar.org/join.
2. Failure to comply with this requirement may result in disqualification.
3. Further, law schools must provide the names and premium membership numbers of their competitors and alternates by the deadline posted on the AC Dates & Locations webpage for this year.

D. Professionalism Required

1. The ABA Model Rules of Professional Conduct govern the conduct of all participants including students, faculty advisors, team coaches, administrators, and observers.
2. Everyone who participates is expected to act professionally at all competition-related events.

E. Cancellation

1. If a registered law school decides not to compete, that law school must notify the ABA Chicago Office in writing via email as soon as possible at erica.zepeda@americanbar.org
2. Teams that cancel before the competition entry deadline will receive a refund of the entry fee minus a \$50 administrative service charge. Teams that cancel after the registration deadline will not receive a refund.

RULE 2—TEAM COMPOSITION/ROLES, NAME SUBMISSION FORM, DESIGNATIONS, ALTERNATES, SUBSTITUTIONS, and ADDITIONAL TEAMS

A. Team Composition and Roles

1. A team consists of four law students attending the same ABA-approved law school. Two students will play the lawyer roles and two will play the witnesses for their respective side in each round.
2. The lawyers and witnesses may change their roles from round to round but must keep their same roles during a round
3. **For virtual competitions**, teams are responsible for their own respective technology needs and operations during the competition. Technology responsibilities can be assigned to one or more of the eligible, registered team members in conjunction with [Rule 1](#).

B. Team Members' Name Submission Form

1. Each school must submit a complete list of team members by the Team Name Submission deadline posted on the AC Dates & Locations webpage.
2. This list should include all team members and all alternates.
3. Schools will not assign students to a specific team when submitting this Team Name Submission form. Schools are simply identifying the list of students they wish to compete or be alternates, allowing coaches/schools more time to determine who they wish to pair/assign to each registered team.

C. Team Designations/Assigning Team Members to Specific Teams

1. Team designations/assigning team members to a specific team will be made on each school's sign-in sheet at the Regional Competition.
2. The sign-in sheet will list the team letter designation(s) assigned to that school, and the school must indicate which registered team members will compete on each team under each assigned letter designation.
3. **For virtual competitions**, a team may be asked to designate members up to 5 days in advance of the Regional Competition through the virtual sign-in sheet.

D. Alternates

1. Due to life's uncertainties, schools are urged to register at least one student to serve as an alternate. Schools will not be allowed to register an alternate after the posted deadline, even if an unavoidable circumstance, such as death in the family, birth of a child, emergency surgery, etc. occurs after the deadline.
2. All registered students not assigned to a team on the Regional Competition sign-in sheet will be considered alternates. If a team member is unable to compete in the Regional Competition due to an unavoidable circumstance ([See Rule 2\(E\) below](#)), an alternate may be designated to substitute, with the ACS's approval. Once designated, the substitute must compete in all future Regional and National Competition rounds. The original team member cannot rejoin the team that designated an alternate nor serve as an alternate for another team.

3. If an alternate is not available, the team may continue with 2 members playing the role of the attorneys and 1 playing both witnesses, with the ACS's approval, until the original team member is able to rejoin the competition. A team advancing to the National Competition after competing at a Regional Competition with only 3 members must have the original team member rejoin the team (unless that team member is ineligible to compete at the National Competition under [Rule 1\(B\)\(3\)](#)).
4. Alternates who attend a Regional Competition may only observe the teams from their school and are prohibited from scouting as set forth in these competition rules.

E. Substitutions After the Regional Competition

1. The ACS must approve any substitutions.
2. No team member substitutions will be allowed after the Regional Competition begins, except for an unavoidable circumstance or any other reason the ACS deems an unavoidable circumstance, which does not include graduating early or a visiting student returning to his or her degree-granting institution.

F. Additional Teams

1. The ABA, in consultation with the ACS, may permit one or more additional eligible teams to participate in the Regional Competition.
2. Schools seeking to enter a third team into the competition must indicate this on their competition entry form and may be required to pay a \$50 deposit.
3. If additional teams are possible, a Host School that indicates its desire to enter a third team into the competition shall have the first opportunity to provide an additional team. If additional teams are still needed, a random drawing will be conducted to select the additional team(s) from schools requesting a third team on the entry form.

RULE 3—TEAM IDENTIFICATION/ANONYMITY

A. Team Identification/Anonymity

1. The ABA will assign each team a random designation and provide each Host School with the team designations via the sign-in sheet. This method will be the sole method of identifying the team to all Arbitrator Judges during the competition.
2. Anyone affiliated with a team, including team members, coaches, and observers, may not directly or indirectly divulge, imply, or project an affiliation with any law school. This means no one associated with a team shall have with them pens, padfolios, folders, class rings, etc. with the school's name and/or logo on them.
3. **For virtual competitions**, teams may set up their individual physical spaces however they like except they may not have anything on screen or in the background that identifies their school, state, or region.
4. Violation of this rule shall result in a penalty, up to and including disqualification.

B. Host-School Team Identification/Anonymity

1. A Host School should endeavor to avoid any appearance of unfairness resulting from hosting a Regional Competition. For example, seemingly innocent remarks regarding the campus or town may imply affiliation with the school.
2. In addition, a Host School's coach/faculty advisor who would be readily identifiable by the Arbitrator Judges should avoid letting the Arbitrator Judges know to which team the coach/faculty advisor is connected. An appropriate option may be to appoint a student coach or faculty or staff

member who would not be identifiable to accompany teams from the Host School during the competition.

RULE 4—TEAM COACHES and ASSISTANCE

A. Team Coaches

1. Each team must have a coach, who may be a full- or part-time faculty member, arbitrator, attorney, or other person, including students, approved by a law school to coach the students.
2. A team may have more than one coach and one person may coach multiple teams from the same school.
3. A coach should accompany the team to the Regional and National Competitions, and more than one coach may attend the competitions. The same or different coach may attend the Regional and National Competitions.
4. Team coaches and advisors of competing teams are prohibited from judging or assisting in the administration of competitions in which their teams are competing. The only exception is in an emergency when not doing so would prevent the competition from being run, and only if the coaches and advisors do not judge their own students.
5. Team coaches and advisors are prohibited from attending the Arbitrator Judges' briefing.
6. **For virtual competitions**, each team may identify one coach who will be allowed to observe the round and the Arbitrator Judges' feedback. No other person may observe the round.
 - a. To protect anonymity, coaches should list their team's number and Coach as their screen name (e.g., #14 Coach).
 - b. Coaches must mute their cameras and mics and may not communicate with anyone during the hearing, which ends when the Arbitrator Judges release the teams after Summations, subject to Rule 11.

B. Assistance to Teams

1. Before the competition rounds, coaches may work with, assist, and direct the students, critique mock preparations, arrange for the students to consult with others for assistance, and provide any other similar educational assistance.
2. During the competition, coaches may advise, communicate with, and observe their teams only as provided in these rules ([see Rule 11 regarding Prohibited Communication, Scouting/Attendance](#)).

RULE 5—CASE FILE CONTENT and CLARIFICATIONS

A. Case File Content

1. The competition involves the arbitration of a civil dispute between a Claimant and Respondent. The Case File will contain all the facts, evidence, claims and defenses, and legal issues available to both sides. No confidential information exists.
2. The persons and events depicted in a Case File are purely fictional and prepared solely for the educational exercise being conducted in the competition. Any resemblance to actual persons, living or deceased, is unintentional and purely coincidental.
3. The same Case File will be used in both the Regional and National Competitions.
4. Each team must be prepared to represent both the Claimant and Respondent.
5. The ABA Arbitration Competition Case File (also known as case problem, scenarios, fact patterns, and records) are works licensed under a [Creative Commons Attribution-NonCommercial 4.0 International License](https://creativecommons.org/licenses/by-nc/4.0/), available at <https://creativecommons.org/licenses/by-nc/4.0/>.

B. Case File Clarifications

1. Teams may timely submit clarification inquiries regarding the Case File in advance of the competition.
2. Such inquiries must be submitted via the online Case File Clarification Request Form (posted to the AC home page at www.ambar.org/lisdac) by a coach or faculty advisor no later than 10 days after the Case File is distributed to teams.
3. One form must be submitted for each question.
4. No school, regardless of the number of teams it has in the competition, may submit more than five questions. Each subpart of a question is counted as a question.
5. Inquiries and responses shall be posted on the AC website, which is available to all participants.

RULE 6—COMPETITION TEAM PAIRINGS

A. Preliminary Rounds:

1. Team Pairing Schedule
 - a. The ABA will provide each Host School with a pairing schedule. Pairing schedules for 10 and 12 teams can be found in [Appendix B](#).
 - b. Each team will advocate once for the Claimant and once for the Respondent in the preliminary rounds.
 - c. Opposing sides will be randomly matched for the preliminary rounds.
 - d. No team will advocate against the same team twice in the preliminary rounds of the competition, unless unusual circumstances require such pairing and the teams represent different sides.
2. Odd number of Teams/Ghost Teams/Bye Rounds
 - a. If an odd number of teams is scheduled to compete, the ABA will work with schools in the region to provide an additional team or a “ghost” team.
 - b. The Host School should endeavor to provide an extra team to compete in the two Preliminary Rounds to avoid a bye situation.
 - c. There is no fee if the extra team competes only in the preliminary rounds. However, if the extra team qualifies to advance to the Semifinal Round, it may do so only if the entry fee for the extra team has been paid prior to the start of the Regional Competition.
 - d. If no school can create an extra team from its own students, the Host School may create a “ghost” team incorporating the alternate members from one or more competing schools to compete in the Preliminary Rounds to avoid a bye situation. Such “ghost” team may not advance from the Preliminary Rounds.
 - e. If an extra team cannot be provided under all of these methods, two different teams selected by lot will receive byes in the Preliminary Rounds. If a team drops out after the pairings have been set, the teams that would have faced the team that dropped out will receive the byes.
 - f. The teams receiving a bye will receive 3 Arbitrator Judges’ votes and a score equal to the total score from the round in which they actually compete.
 - g. Team pairings under this rule cannot form a basis for a protest.

B. Semifinal Rounds:

1. For the Semifinal Round, the first-ranked team will compete against the fourth-ranked team. The second-ranked team will compete against the third-ranked team. These pairings apply even if two teams from the same school would compete against each other.
2. In the Semifinal Round, the higher-ranked teams from the Preliminary Rounds choose the side of

the case they want to represent, except that if two opposing teams competed head-to-head in an earlier round, the teams must represent the opposite side from what they previously represented.

3. The teams choosing sides must notify the opposing teams within five minutes of being asked by the Regional Host Administrator and may not change their minds after the opposing teams are notified.

C. Final Round

1. The two winning teams from the Semifinal Rounds will compete against each other in the Final Round.
2. In the Final Round, the selection of side shall be made by coin toss by the Regional Host Administrator with both teams being present. The highest-ranked team from the Preliminary Rounds advancing from the Semifinal Round will call the coin in the air. The winner of the coin toss selects the party it will represent.
3. The first-place team from each Regional Competition will advance to the National Competition.

RULE 7—ARBITRATION HEARING PROCEDURES

A. Arbitration Panel and Chair

1. The Arbitrator Judges act as Arbitrators for the hearing as if they were the arbitrators who would decide the merits of the case. However, for the purposes of this competition, the Arbitrator Judges will **NOT** decide the merits of the case and, instead, will focus on the Score Sheet/Ballot's scoring criteria.
2. Arbitrator Judges comprise the Arbitrator Judges Panel (Panel) to **score and provide feedback to the students.**
3. The Chair of the Panel (Chair) shall be selected by the Regional Host Administrator or the National Competition Administrator and shall preside over the hearing procedures and rule on any objections.
4. 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?"
5. The Panel may ask questions of the lawyers only during their Openings and Summations but may not ask questions of the witnesses at any time.
6. Arbitrator Judges have discretion to lower the score for a team that violates any portion of [Rule 7](#).

B. Length of Rounds/Hearings

1. Each round takes 165 minutes and includes a 120-minute Arbitration Hearing, 10-minute break before Summations, 15 minutes for the Arbitrator Judges to complete their Score Sheets/Ballots and Comment Sheets, and 20 minutes of feedback to the teams by the Arbitrator Judges.
2. Each team will have 60 minutes to present its case during the Arbitration Hearing. The time limit will be strictly enforced, although not all the time has to be used.
3. The Chair shall provide 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.
4. **Responsibility rests with the student lawyers to decide how they use their 60 minutes and to stay within their allotted time.** A *suggestion* to teams for how to allocate time is as follows:

Opening:	5 minutes
Direct and Redirect Examination of two witnesses	20-25 minutes
Cross-Examination of two witnesses	15-20 minutes
Summation	10 minutes

5. The Panel should ensure the teams do not exceed their allotted 60 minutes.
6. The Chair shall appoint an Arbitrator Judge to act as Timekeeper, who should use the Timekeeping Sheet in [Appendix E](#).
7. If resources or neutral volunteers are available, timekeeping devices or timekeepers may be provided by the Regional Host, but no individual identified with a team participant may act as timekeeper in that hearing.
8. Competitors and Arbitrator Judges may use stopwatches or mobile phones/smart phones (in airplane mode) for timekeeping purposes only.
9. 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.
10. 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.
11. The available time includes objections and rulings. If an opposing team makes numerous objections, the Chair has discretion to allow the team that has lost time due to the objections an additional amount of time equal to the time lost.
12. 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. However, where a witness is talking excessively on Cross Examination, the Panel should first allow the Cross-Examining lawyer to control and/or cut off the witness to stay within the allotted time.
13. Finally, if the Panel asks several questions during Opening and/or Summation, the Chair may also exercise discretion to allow extra time to compensate.
14. **For virtual competitions:**
 - a. The time zone of the host will be used for the tournament schedule.
 - b. Host Schools shall provide a Host Ambassador/Bailiff for each virtual competition room to keep track of time in lieu of an Arbitrator Judge doing so. Should a Host Ambassador/Bailiff not be available, an Arbitrator Judges should keep time as explained above.

C. Pre-Arbitration Hearing Logistics and Applicable Law

1. Pre-Arbitration Hearing Logistics
 - a. Claimants sit on the Panel's left; Respondents sit on the Panel's right.
 - b. Lawyers will sit during all phases of the hearings, including objections or presentations. If the setting permits, lawyers, and witnesses may stand for an exhibit presentation or during the Opening and Summation at the Chair's discretion.
 - c. No motions relating to the case, including motions to dismiss and motions to amend, may be made before, during, or after the hearing.
 - d. There is no brief or memo writing requirement as part of the competition.
 - e. **For virtual competitions:**
 - i. Every competition room will have a designated Host Ambassador/Bailiff, provided by the Host school, to run technology, answer technology questions, manage the waiting and breakout rooms, and keep track of time.
 - ii. The host will create a Zoom link with breakout rooms for each Competition Room and other rooms as described below. Teams are responsible for ensuring the Regional Host Administrator has the correct contact email(s) for their team.
 - iii. Each participant will need a basic Zoom account to join the competition.
 - iv. The host will enable the waiting room feature, all screen share, and whiteboard. The host

- will disable the chat feature.
- v. The host will create three breakout rooms for each Competition Room: one for each team and one for the Arbitrator Judges. The teams and Arbitrator Judges can utilize these breakout rooms during breaks.
 - a. Coaches will not be allowed in the breakout rooms until the hearing is over, which is when the Arbitrator Judges release the teams after Summations.
 - b. While a witness is testifying, no one may communicate with them privately by any means. However, advocates may communicate with witnesses during breaks while in the breakout room.
- vi. Each participant will be allowed a maximum of one device (computer or tablet) logged in. Separate phone audio through the call-in function is permitted, if necessary. However, each person should have a second device (computer, tablet, or phone) available to be used as a backup device.
- vii. Each student competitor should secure a physical space that will allow them to compete alone and uninterrupted during the competition. No student may compete in the same room with any other team member, coach, or any other person.
- viii. During the entire round, all advocates must have their video on. However, advocates must mute their audio except when presenting. If an attorney wishes to raise an objection, they must unmute their audio to do so.
- ix. Team members should list their team number and their own name as their screen name (e.g., #14 Joan Jones) and may include their correct pronouns at the end of their screen name.
- x. Witnesses should have their audio and video on only when testifying.
- xi. Witnesses should use their team number and character names as their screen names (e.g., #14 Casey Banner) and may include their correct pronouns at the end of their screen name.
- xii. Teams are responsible for having sufficient equipment, technology, and Internet bandwidth to participate throughout the competition.
- xiii. The Chair has discretion to allow for short-term technology accommodations
- xiv. See [Appendix I](#) for Virtual Tips and Tricks.

2. Applicable law

- a. Arbitrations will be conducted in accordance with generally acceptable arbitration procedures.
- b. Teams must confine their presentation to the facts and legal issues contained in or supported by the Case File.
 - i. 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.
 - ii. Teams may not drop or abandon any of the claims set forth in the Demand for Arbitration or in any Counterclaim.
 - iii. However, a party may ask for lower damages or less relief.
- c. During the Arbitration Hearing and within the bounds of these Rules, lawyers may argue what they deem appropriate regarding why their client should win, including what substantive law should apply. However, the question of what substantive law applies (including analogizing law from real jurisdictions) will not be decided by the Panel before the hearing.
- d. The procedural and substantive rulings by the Chair are final and cannot be subsequently challenged by a team or reviewed by anyone else.

D. Student Roles

- 1. In each round, each student lawyer is to conduct either the Opening or Summation, and one Direct Examination and one Cross Examination.

2. Each team is to have two different students act as the two witnesses, subject to [Rule 2\(D\)\(3\)](#).
3. No team may waive/defer Opening or Summation or decline to offer or examine a witness.

E. Openings and Summations

1. The Claimant begins with an Opening immediately followed by the Respondent's Opening.
2. After both sides present their evidence, the Chair will order a 10-minute break.
3. After the break, the Respondent gives a Summation immediately followed by the Claimant's Summation.
4. No Summation rebuttal is allowed.

F. Direct and Cross Examinations

1. Only one lawyer may ask questions on Direct Examination.
2. Only this same lawyer may object to corresponding Cross Examination.
3. Only the lawyer conducting the Cross Examination may object to the corresponding Direct Examination or Redirect Examination.
4. Only the lawyer who conducted the Direct Examination may conduct any corresponding Redirect Examination.
5. Any Redirect Examination is limited to relevant matters raised by the corresponding Cross Examination.
6. No re-cross examination is allowed.

G. Witnesses

1. Each team must call the two listed witnesses.
2. Teams may not call an opposing witness as an adverse witness or any other witness.
3. The parties and witnesses are gender neutral, unless indicated differently in the Case File.
4. Witnesses may not bring any materials with them to the witness chair, including any written answers to questions, witness notes, or any part of the Case File.
5. A witness may testify about and use any exhibit offered by the lawyers.
6. Witnesses on direct examination may only be asked about and testify to:
 - a. the facts contained in the Case File;
 - b. additional, consistent facts that are a clear and obvious inference from the direct facts provided; and
 - c. non-material facts relating to the background of the witness that are appropriate for the fact situation.
7. Be aware the Score Sheet/Ballot 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?"
8. Witnesses on Cross Examination may be asked if counsel who conducted the Direct Examination suggested that additional, non-existent (outside of the Case File) facts be offered on Direct.
9. 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."
10. 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.
11. During Redirect Examination, the opposing lawyer may object to any new facts introduced during redirect and seek a ruling from the Chair that the Redirect Examination has exceeded the scope of

Cross Examination.

12. Witnesses shall not be sequestered, and teams are not to request sequestration.

H. Evidence

1. Each team may present all relevant and reliable evidence. The parties may stipulate to the admissibility of exhibits before the Arbitration Hearing or may reserve the right to argue admissibility to the Panel during the Arbitration Hearing.
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.
5. **For virtual competitions:**
 - a. An electronic version of the current year's Arbitration Competition Case File will be provided to arbitrator judges, which includes copies of the exhibits.
 - b. Teams should reference the pleadings and exhibits by their pre-marked identification letter in the Case File. (Exhibit A, Exhibit B, etc.)
 - c. Teams will not provide Arbitrator Judges with an electronic "Exhibit Book."
 - d. Advocates should authenticate exhibits, impeach, and refresh recollection by reference to the electronic Case File, as necessary in conjunction with Part I below.

I. Exhibits

1. All documents, statements, discovery responses, depositions, diagrams, photographs, signatures, and other materials included as part of the Case File are deemed originals and authentic. All documents, records, and other materials 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.
2. Teams are encouraged to develop, introduce, and use demonstrative exhibits and visual aids that assist in the presentation of evidence, arguments, and help the Panel understand the case.
 - a. 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.
 - b. Demonstrative exhibits and visual aids are limited to information 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.
3. A team is responsible for bringing any exhibit or visual aid, easel, poster board, whiteboard, or flipchart it wishes to use during the Arbitration Hearing. The Host School may or may not provide any of this equipment.
4. Teams are not permitted to use technology to assist in the presentation of their case except as noted below for virtual competitions.
5. Teams may provide a copy 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 or during the Arbitration Hearing as they are used, at the discretion of the Panel and/or the teams.
6. 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 it cannot see student notes.

7. **For virtual competitions:**
 - a. Teams may use laptops, phones, or tablet computers to access the Zoom accounts, for case presentation, and for their notes.
 - b. Teams may not use teleprompters or other script-scrolling apps/devices for their notes or any other part of their case presentation.
 - c. Teams may use screen sharing or the whiteboard features in Zoom.
 - d. Teams are permitted to use basic presentation software, but the manufacturer's suggested retail value of the software should not exceed \$500.
 - e. The limitations in section I.2. above apply equally in virtual competitions.
 - f. Teams may only display or introduce Case File materials and demonstratives during the Arbitration Hearing.
 - g. An electronic version of the current year's Arbitration Competition Case File will be provided to arbitrator judges, which includes copies of the exhibits.
 - h. Teams should reference the pleadings and exhibits by their pre-marked identification letter in the Case File. (Exhibit A, Exhibit B, etc.)
 - i. Teams will not provide Arbitrator Judges with an electronic "Exhibit Book."

J. Scoring and Feedback

Immediately after the Arbitration Hearing, Arbitrator Judges will complete scoring ([Rule 8](#)) and provide feedback to the teams ([Rule 9](#)).

RULE 8--SCORING

A. General Scoring

1. All teams and spectators leave the room and the Arbitrator Judges shall individually complete a Score Sheet/Ballot for each team.
2. Arbitrator Judges have 15 minutes to complete their Score Sheets/Ballots and Comment Sheets.
3. Teams are scored based on the quality of their presentations and not on the merits of the side they represent. The Score Sheet/Ballot is located in [Appendix D](#).
4. Teams are scored and evaluated as follows:
 - a. Each Arbitrator Judge individually scores each team on a Score Sheet/Ballot.
 - b. Ties are not permitted.
 - c. The team with the higher score will be deemed the winner on that Arbitrator Judge's Score Sheet/Ballot.
 - d. The winner of the round is the team with the majority of the Score Sheets/Ballots.
5. **For virtual competitions**, judges will use an online Score Sheet/Ballot.
6. 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 [10\(C\)](#) and [12](#).

B. Scoring for Preliminary Rounds

1. Teams are ranked as follows:
 - a. Win/loss record (this number will be 0, 1, or 2);
 - b. Number of Arbitrator Judges' Score Sheets/Ballots (this number will be between 0 and 6);
 - c. Overall team score/points;
 - d. Previous head-to-head competition (To easily record the head-to-head team comparison, the Regional Host Administrator should use the team pairing schedule and highlight the winning team from each room);

- e. Strength of schedule, based on number of Score Sheets/Ballots won by opponent;
 - f. Margin of victory;
 - g. Random coin toss.
2. Because the third determinative measure is total points, the competition requires 3 scores for each team in the Preliminary Rounds.
- a. IF MORE THAN 3 JUDGES:
 - i. If there are more than 3 Arbitrator Judges in a round, the Regional Host Administrator will employ a random selection process to determine which judge's evaluation form and comments will be excluded before any scores are examined, reviewed, or tabulated.
 - ii. The excluded Score Sheets/Ballots and Comment Sheets should not be shared with the affected teams.
 - b. IF FEWER THAN 3 JUDGES:
 - i. If there are only 2 Arbitrator Judges, the third score will be an average of the two actual scores ("Two Judge Panel Rule").
 - ii. For the purpose of this rule, averaging means adding together the scores given by the two judges and dividing by two. The result shall be rounded up or down to the hundredth decimal. For example, an average score of 2.3333 would be 2.33 and a score of 2.6667 would be rounded to 2.67.
 - iii. If there is only 1 Arbitrator Judge, that Arbitrator Judges' Score Sheet/Ballot will be counted 3 times.

C. Scoring for Semifinal and Final Rounds

- 1. For the Semifinal and Final Rounds only, whenever possible Regional Host Administrators shall impanel an odd number of Arbitrator Judges to avoid ties.
- 2. The winner shall be determined by a majority of winning Score Sheets/Ballots.
- 3. In the event of an even numbered panel of more than three judges, one Arbitrator Judge's scores will be randomly excluded as set forth above.
- 4. In Semifinal and Final Rounds involving two judges, apply the Two-Judge Panel Rule.

RULE 9—ARBITRATOR JUDGES' FEEDBACK

- A. After Arbitrator Judges have submitted their Score Sheets/Ballots, both teams return for the Arbitrator Judges to provide feedback to both teams at the same time.
- B. A total of 20 minutes is available for feedback, with each team receiving up to 10 minutes of comments and suggestions.
- C. Arbitrator Judges will be encouraged to provide constructive feedback to help promote an inclusive, educational, and positive experience for all competitors and coaches. ([see Appendix C](#) for guidance on Arbitrator Judges' Feedback).
- D. Only coaches and others associated with the teams being critiqued may attend the feedback sessions. No other competing teams, coaches, or persons associated with competing teams or law schools may attend the critique.
- E. However, anyone may attend the feedback session of the Final Round of a competition.
- F. **For virtual competitions, all comments will be provided orally by the Arbitrator Judges at the end of the round. Arbitrator Judges will not provide written comments.**

RULE 10—RANKINGS’ ANNOUNCEMENT, SCORE SHEETS/BALLOTS & COMMENT SHEETS, and MASTER SCORE & RANKINGS REVIEW PERIOD

A. Rankings and Announcement of Advancing Teams

The Regional Host Administrator must announce the teams that will advance to the Semifinal and Final Rounds. Rankings are based on teams’ Score Sheets/Ballots from the two Preliminary Rounds, which are entered into a Master Score Sheet & Rankings Sheet ([Appendix F](#)).

B. Distribution of Master Score Sheets & Rankings, Score Sheets/Ballots, and Comment Sheets

1. Teams will receive copies/scans of the Master Score Sheet & Rankings, individual Score Sheets/Ballots, and Comment Sheets on site.
2. Teams advancing to the Semifinal and/or Final Rounds, will also receive a Master Score Sheet, & Rankings, individual Score Sheets/Ballots, and Comment Sheets for the Semifinal and/or Final Rounds.

C. Master Score Sheet & Rankings Review Period

1. The Master Score Sheet & Rankings may be reviewed for mathematical errors for fifteen (15) minutes following its distribution.
2. 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.
3. Failure to raise any objection to the computations on the Master Score Sheet & Rankings within the Review Period shall be a defense to any subsequent protests following the Preliminary Rounds.

D. For Virtual Competitions:

1. Because Arbitrator Judges are using electronic Score Sheets/Ballots, instead of teams receiving their individual Score Sheets/Ballots, teams will receive an All Teams’ Score Sheet/Ballot excel spreadsheet that includes the Score Sheets/Ballots for all teams during the two preliminary rounds.
2. Teams will also receive the Master Score Sheet & Rankings.
3. Teams will be allowed to review the Master Score Sheet & Rankings during the normal review period.

RULE 11—PROHIBITED COMMUNICATION and SCOUTING/ATTENDING ROUNDS

A. Prohibited Communication

1. Communication with Teams
 - a. Communication with teams, other than by the Arbitrator Judges, during the Arbitration Hearings is prohibited. No one - including team coaches, supervisory personnel, alternate team members, friends, associates, and observers - may communicate in any way with any of the participants during the 130-minute period from the commencement of the Arbitration Hearing until the teams are excused by the Arbitrator Judges after summations.
 - b. No participant, team coach, or any other person connected with a participating school with more than one team may communicate with another of its school's teams until all of the school's teams have completed the round. Additionally, the teams may not talk with each other about a round until both teams have completed that round.
 - c. Although mobile phones and smart phones may be used during the Competition for timekeeping purposes only, phones and other electronic devices must be placed in a non-transmitting mode (i.e., “airplane mode”) with instant messaging and e-mail functions turned off.
 - d. Coaches and observers are encouraged NOT to use mobile phones, smart phones, tablet

computers, or other electronic communication devices for any purpose while in the competition room.

e. Communication in violation of this rule may result in disqualification.

2. Communication with Arbitrator Judges

- a. Communication with the Arbitrator Judges by participants, team coaches, or other persons connected with a participant is strictly limited to answering an Arbitrator Judge's question about competition logistics, the existence of a rule, the location of the restroom, etc. Should a Host School Ambassador/Bailiff be available in the room to answer these questions, the Ambassador/Bailiff should do so.
- b. Otherwise, no participant or other person associated with a participant, such as coaches or observers, may speak to an Arbitration Judge during or outside of the Arbitration Hearing during the period from commencement of the Arbitration Hearing through completion of the Arbitration Judges' feedback to the teams.
- c. Communications in violation of this rule may result in disqualification.

B. Scouting/Attending Rounds

1. Scouting is prohibited. No participant or other person associated with a participant may attend an Arbitration Hearing involving any other school's team, except for the Final Round or if all teams from the school have been eliminated. This rule also applies to any team receiving a bye.
2. Subject to space availability, teams that have been eliminated may attend subsequent rounds (e.g., if a team from one school advances to the Semifinal Round, but the school's second team did not, if space is available in the room, the school's second team could watch its other team during the Semifinal Round).

C. For Virtual Competitions:

1. Coaches must mute their cameras and mics and may not communicate with anyone during the hearing, which ends when the Arbitrator Judges release the teams after Summations, subject to [Rule 11](#).
2. While a witness is testifying, no one may communicate with them privately by any means. Advocates may communicate with witnesses during breaks while in the breakout room.
3. The two advocates on each team may communicate with each other during the round. However, all private communications between advocates (texts, IMs, etc.) must be preserved until the tournament is over in case of a protest.
4. Eliminated teams may not attend any subsequent rounds, unless the Regional Host Administrator allows eliminated teams to virtually attend the Final Round (with cameras and mics muted) should bandwidth capabilities permit.
5. Eliminated teams may virtually attend the Final Round of the National Competition (with cameras and mics muted).

RULE 12—REPORTING AND RESOLVING COMPLAINTS, VIOLATIONS, AND DISPUTES

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 waives that complaint, violation, or dispute.

A. Reporting a Complaint, Violation, or Dispute—To Whom to Report

1. Any team seeking to raise/file a complaint, violation, or dispute about the competition should contact the Regional Host Administrator, who will then contact the ACS.
2. During the competition, should a team conclude the Regional Host Administrator/Administrative

Staff is not appropriately addressing a reported complaint, violation, or dispute that affects which teams would advance, that team should immediately contact Erica Zepeda at the ABA Law Student Division at 312-988-5671.

B. Reporting a Complaint, Violation, or Dispute—When to Report

1. All protests arising out of the competition round are considered waived unless the protest is brought to the attention of the Regional Host Administrator before the beginning of the Arbitration Judges' feedback to the teams.
2. Otherwise, all protests must be reported to the Regional Host Administrator immediately after the issue is known or should have been known to the complaining team.
3. Competitors and faculty advisors/coaches waive the right to appeal any matter arising in the course of a competition round by failing to file a timely complaint with the Regional Host Administrator. Every effort should be made to file a complaint while the Arbitration Judges are still available for consultation.
4. However, no protest may be raised after 5:00:00p.m. CST on the Tuesday immediately following the affected Regional Competition.

C. Fact-Gathering Committee

1. The ACS, after learning of a complaint, may request a small committee be assembled to help gather facts about the issue.
2. The committee would be comprised of 2-3 coaches or faculty advisors from law schools whose teams are not involved on either side of the complaint.

D. Scope of Violations the ACS May Consider

In general, the ACS will not hear any appeal relating to an alleged violation within the Arbitrator Judges' discretion.

- ***Rule violations other than those within the Arbitrator Judges' discretion.*** With respect to complaints not related to an alleged ethics violation identified by the Arbitrator Judges (including ethical violations discovered later, but not identified by Arbitrator Judges), the ACS has full discretion to determine appropriate sanctions. In assessing the severity of the penalty, the ACS should consider whether the complained of conduct was purposeful or inadvertent and whether it resulted in substantial prejudice affecting the result. Possible dispositions for valid complaints range from reprimands to assessment of penalty points to disqualification.
- ***Potential ethical violations.*** In the event an Arbitrator Judge observes a potential ethical violation, the Arbitrator Judge must briefly explain the unethical conduct on the Score Sheet/Ballot, and the Regional Host Administrator must contact a member of the ACS to discuss the conduct before any sanction can be imposed on a team.

E. Team Disqualification

1. If the ACS disqualifies a team, all teams below the disqualified team shall move up one place in the standings.
2. In the event that the ACS assesses a team with penalty points, the penalty points will be subtracted from the affected team's overall score.

F. ACS Decisions Final

1. The ACS decisions are final.
2. The Regional Host Administrator must provide the Chicago Office of any complaint, violation, or disputes and their resolution in a post-competition report.

RULE 13—VIDEORECORDING OF ROUNDS /CONSENT

A. The ABA may record the Regional and National Competition round(s).

B. A student's decision to enter and participate in the competition constitutes consent to this recording.

- C. As a condition of publication and for no monetary compensation to participants, this consent grants the ABA the nonexclusive worldwide rights to reproduce, distribute, and sell any visual material in connection with the student’s participation, in whole or in part, in any media, as part of a course book or any other publication published under the auspices of the ABA and to license these rights to others.
- D. This consent also grants the ABA the right to use the student’s name, voice, and image in connection with the published competition materials.
- E. For virtual competitions, no one, including Regional Hosts, judges, competitors, and coaches may record or live stream the rounds. The Final Round of the National Competition will be recorded and made available.**

RULE 14—ABA TERMS & CONDITIONS/LIABILITY RELEASE

- A. This Competition is governed by U.S. law and all relevant federal, state, and local laws and regulations apply.
- B. By entering, all participants agree that the Competition shall be governed by the laws of the State of Illinois, that the courts of Illinois have exclusive jurisdiction, and that Cook County, Illinois shall be the venue for any dispute or litigation arising to or arising from the Competition.
- C. This Competition is void where prohibited by law.
- D. By participating, each entrant agrees with these Competition Rules and the decisions of the ABA, and releases and discharges the ABA, subsidiary and affiliated entities, and each of their respective officers, directors, members, employees, independent contractors, agents, representatives, successors and assigns (collectively, “Sponsor”) from any and all liability whatsoever in connection with this Competition, including without limitation, legal claims, costs, injuries, losses or damages, demands or actions of any kind (including without limitation personal injuries, death damage to, loss or destruction of property, rights of publicity or privacy, defamation, or portrayal in a false light) (collectively, “Claims”).
- E. Except where prohibited, acceptance of a prize constitutes a release by any winner of the Sponsor of any and all claims in connection with the administration of this Competition and the use, misuse, or possession of any prize. Sponsor is not responsible for errors or for lost, late, or misdirected mail or email, or telecommunication or hardware or software failures, including by reason of any bug or computer virus or other failure. Sponsor may cancel, modify, or terminate the Competition if it is not capable of completion as planned, including by reason of infection by computer virus, tampering, unauthorized intervention, force majeure, or technical difficulties of any kind.



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Appendix A: Arbitration Competition Schedule

All competition rounds (Preliminary, Semifinal, and Final) follow the schedule outlined below.

Morning Schedule:

8:00 am to 9:00 am	Welcome Competitors & Coaches
8:30 am to 9:00 am	Judges' Orientation
9:00 am to 11:10 am	Arbitration Hearing (including 10-minute break before Summations) (teams, coaches, and observers leave room at end of the Arbitration Hearing and return in 15 minutes for feedback)
11:10 am to 11:25 am	Judges break and independently complete Score Sheets/Ballots and Comment Sheets
11:25 am to 11:45 am	Judges provide oral feedback to both teams together (maximum of 10 minutes per team for a total of 20 minutes)

Afternoon Schedule:

11:45 pm to 1:30 pm	Lunch Break for Competitors & Coaches
1:30 pm to 2:00 pm	Judges' Orientation
2:00 pm to 4:10 pm	Arbitration Hearing (including 10-minute break before Summations) (teams, coaches, and observers leave room at end of Arbitration Hearing and return in 15minutes for feedback)
4:10 pm to 4:25 pm	Judges break and independently complete Score Sheets/Ballots and Comment Sheets
4:25 pm to 4:45 pm	Judges provide feedback to both teams together (maximum of 10 minutes per team for a total of 20 minutes)

Reception – Announcement of Semifinalists, Publishing of Master Score Sheet & Rankings, and Distribution of Score Sheets/Ballots and Comment Sheets

Appendix B:

Arbitration Competition Team Pairings 10-Team Regional Competition

	Room 1	Room 2	Room 3	Room 4	Room 5
Round 1	1 vs. 2	3 vs. 4	5 vs. 6	7 vs. 8	9 vs. 10
Round 2	10 vs. 7	2 vs. 5	4 vs. 9	6 vs. 3	8 vs. 1

Round 1 Claimant
Round 2 Respondent

1
3
5
7
9

Round 1 Respondent
Round 2 Claimant

2
4
6
8
10

Arbitration Competition Team Pairings 12-Team Regional Competition

	Room 1	Room 2	Room 3	Room 4	Room 5	Room 6
Round 1	1 vs. 2	3 vs. 4	5 vs. 6	7 vs. 8	9 vs. 10	11 vs. 12
Round 2	12 vs. 7	2 vs. 11	4 vs. 9	6 vs. 1	8 vs. 3	10 vs. 5

Round 1 Claimant
Round 2 Respondent

1
3
5
7
9
11

Round 1 Respondent
Round 2 Claimant

2
4
6
8
10
12

Appendix C: Arbitration Competition Instructions for Arbitrator Judges

Thank you so much for being an Arbitrator Judge, because we couldn't have a successful competition without you! Below, along with [Rule 7](#)—Arbitration Hearing Procedures—is an overview of your role in the competition:

1. **ARBITRATOR JUDGES/SCORING**—You'll be serving as an Arbitrator Judge as if you were deciding the case. However, you're independently scoring the teams on the Score Sheet/Ballot criteria and NOT on the merits of the case. You'll observe two teams compete head-to-head.
2. **TEAM IDENTIFICATION**—Competitors are to identify themselves by their assigned Team Number and their own names. They are not to directly or indirectly divulge to you what school they attend. Coaches are to identify themselves as coaches and with what team they are associated. As judges, please do not ask the teams or coaches where they're from.

To protect their anonymity, teams may set up their individual physical spaces however they like except they may not have anything on screen or in the background that identifies their school, state, or region.

3. **CONSTRUCTIVE FEEDBACK**—Additionally, because the Arbitration Competition's purpose is to assist students to develop their advocacy skills, we ask that your feedback create an 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 competitors' advocacy skills. Therefore, please refrain from making positive or negative comments on items not directly related to the advocacy skills the competition seeks 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
4. **ARBITRATION HEARING PROCEDURES**—See attached [Rule 7](#), which explains the specific logistics of the Arbitration Hearings.

Appendix D: Arbitration Competition Score Sheet/Ballot

ABA Law Student Division Arbitration Competition Score Sheet/Ballot

Arbitrator Judge _____ Date ____ / ____ / ____ Room _____ Round _____

10 is at the high end of the performance scale, and 1 is at the low end of the scale. You should grade the performance of a law student advocate (and not the expected performance of a new or experienced lawyer) with 5 being an average/good score. No half points or decimals.

10 Superior 8 Excellent 6 Very Good 5 Good 4 Fair 2 Marginal 1 Poor

***** NO TIES BETWEEN TEAMS *****

1 st Claimant Name (Opening)	2 nd Claimant Name (Summation)	Claimant Team #	Respondent Team #	1 st Respondent (Opening)	2 nd Respondent (Summation)
		Openings (Only one student per team may be scored for the Opening; the other student is scored for the Summation) Well organized and structured Persuasive and interesting story/avoided arguing the case Explanation of understandable facts Explanation of supportive law Effective responses to any questions			
		Direct Examinations Proved prima facie case Presented persuasive and interesting case Sufficiently detailed and orderly questioning Proper question form/avoided leading the witness Submitted relevant and reliable evidence Avoided objectionable questions, statements, evidence Proper foundation and effective use of exhibits Appropriate Redirect, if needed			
		Cross Examinations Effective supportive cross examination Effective discrediting cross examination Proper leading and understandable questions Submitted relevant and reliable evidence Proper foundation and effective use of exhibits Proper strategic decision to object or not object Effective structure and order			
		Attorney and Witness Interaction Witness well prepared and credible Witness provides complete, yet concise, answers Effective witness direct examination Witness composure during cross examination			
		Summation (Only one student per team may be scored for the Summation; the other student is scored for the Opening) Well organized and structured Appropriate balance of facts, law, and reasons Persuasive and interesting Complete, yet concise Effective Responses to any questions			
		Skill in Meeting Opponent's Case Skill in responding to the actual evidence/testimony presented as well as opposing counsel's arguments/case theory			
		Overall Presentation Well Prepared for Case and Issues that Arose Effective Overall Presentation			
1 st Claimant Total	2 nd Claimant Total			1 st Respondent Total	2 nd Respondent Total
Claimant Team Total		<u>NO TIES BETWEEN TEAMS</u>		Respondent Team Total	

Cannot exceed 120 points

Cannot exceed 120 points

***** Team with the highest points is the winner on your ballot. Ensure the team point total aligns with your decision. *****

ARBITRATOR JUDGES' NOTES: OPTIONAL

Arbitrator Judges may use this form to make notes on the Claimant Team's performance during the hearing. This form is for each judge's personal use only and should not be given to the Claimant Team at the end of the competition. Instead, at the end of each team's performance, please select two things the team did well and two areas for improvement and include those recommendations on the written Comment Sheet.

CLAIMANT TEAM

Arbitrator Judge _____ Date ___/___/___ Room _____ Round _____

Team # _____ Round _____

	Student Lawyer 1	Student Lawyer 2
Opening or Summation		
Direct Examination		
Cross Examination		
Attorney and Witness Interaction		
Skill in Meeting the Opponent's Case		
Overall Presentation		

ARBITRATOR JUDGES' NOTES: OPTIONAL

Arbitrator Judges may use this form to make notes on the Respondent Team's performance during the hearing. This form is for each judge's personal use only and should not be given to the Respondent Team at the end of the competition. Instead, at the end of each team's performance, please select two things the team did well and two areas for improvement and include those recommendations on the written Comment Sheet.

RESPONDENT TEAM

Arbitrator Judge _____ Date ___/___/___ Room _____ Round _____

Team # _____ Round _____

	Student Lawyer 1	Student Lawyer 2
Opening or Summation		
Direct Examination		
Cross Examination		
Attorney and Witness Interaction		
Skill in Meeting the Opponent's Case		
Overall Presentation		

Appendix E: Arbitrator Judges' Timekeeping Sheet

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

Claimant—Team #: _____ Respondent—Team #: _____

OPENING		
	Claimant _____	Respondent _____
CLAIMANT'S CASE		
	Direct & Redirect	Cross
Claimant's 1 st Witness:	_____	_____
Claimant's 2 nd Witness:	_____	_____
TOTALS	_____	_____
RESPONDENT'S CASE		
	Cross	Direct & Redirect
Respondent's 1 st Witness:	_____	_____
Respondent's 2 nd Witness:	_____	_____
TOTALS	_____	_____
SUMMATION		
	Claimant _____	Respondent _____
TOTALS	_____	_____

Appendix F: Arbitration Competition Win/Loss Record & Master Score Sheet & Rankings
Used for the Preliminary, Semifinal, and Final Rounds

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)
1														
2														
3														
4														
5														
6														
7														
8														
9														
10														
11														
12														
13														
14														

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

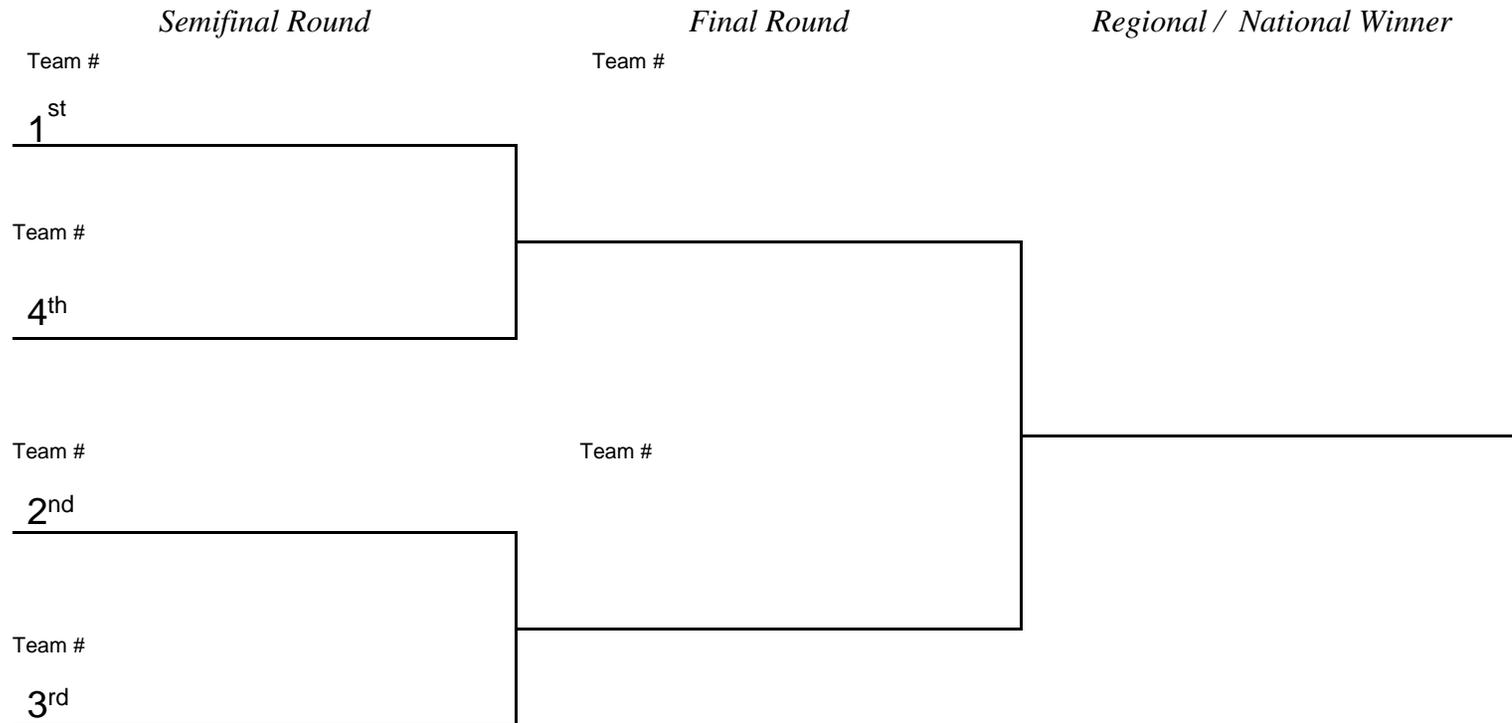
**Mark a W for the winner of each round. (There should be an equal number of Ws and Ls for each round.)

***Enter number of rounds won.

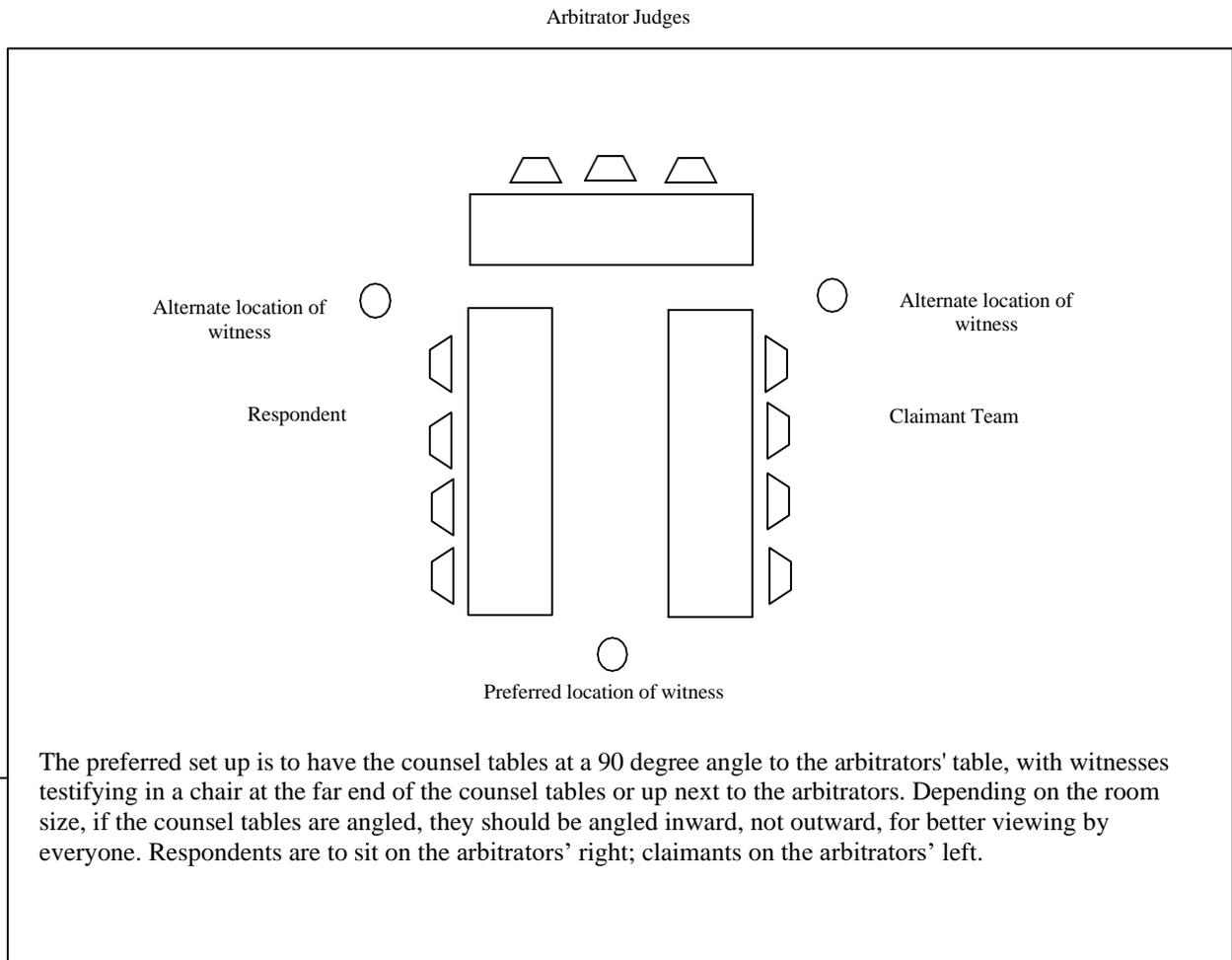
Appendix G: Arbitration Competition Semifinal Round and Final Round Bracket Instructions

Notes on the Bracket:

- The numbers 1, 2, 3, and 4 below are intended to indicate the winning schools that ranked 1st, 2nd, 3rd, and 4th during the Preliminary Rounds.
- 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.



Appendix H: Room Setup Option



Appendix I: Arbitration Competition Virtual Competition Tips and Tricks

- ✓ Use a stable, high-speed Internet connection.
- ✓ Use a wired Internet connection, if possible.
- ✓ Limit competing bandwidth use during the hearing.
- ✓ Keep equipment plugged into a power source rather than relying on battery.
- ✓ Keep connection information (both for Internet and backup phone connection) at hand so you can quickly reconnect if necessary.
- ✓ Have a backup phone connection available in case connectivity is lost.
- ✓ Make sure the background is as presentable as possible (e.g., close closet doors, adjust lighting as needed, remove clutter from background, etc.).
- ✓ As much as possible, select a quiet location and avoid background noise and other distractions or disruptions.
- ✓ Mute phones, email sound notifications, alarms, etc.
- ✓ Make sure there is adequate lighting.
- ✓ LOOK into the camera (not at the screen).
- ✓ Competitors may use headsets to minimize distractions.
- ✓ If competitors choose to use a virtual background, that background:
 - Must NOT identify your location, or your school.
 - Should be professional.
 - Should not interfere with your ability to maintain a stable connection and ability for the arbitrator judges to see you. Virtual backgrounds uses more bandwidth than not using one. Virtual backgrounds may also make the picture of competitors grainy, particularly when moving. Note that the blurred background tends not to interfere with bandwidth.
 - Be proactive in testing the background and making technological adjustments if the background is not supported so you can report any issues to the Regional Host Administrator.
- ✓ Participants should use gallery view, enable side-by-side mode, and hide non-video participants.
- ✓ Advocates are encouraged to enable the spacebar mute/unmute feature.
- ✓ Understand that Regional Host Administrators/Administrative Staff aren't always aware of the difficulties or hardships occurring in different parts of the country. As Regional Hosts attempt to account for obstacles, please reach out to the Host if an accommodation or variance is needed regarding a particular rule. Also, be mindful it may be impossible to account for all disparities.

Appendix J: Virtual ARBITRATION REGIONAL Competition Host Guides/Checklists

1. Thank you for hosting! We couldn't run a successful Arbitration Competition without willing and able schools to host the Regional Competitions, so please know you're appreciated!
2. Reading the Arbitration Competition Rules will give you a good handle on how the competition runs and the moving parts involved. However, the following Guides/Checklists are designed to provide a broad overview of the hosting responsibilities, and then step-by-step instructions for the 4-6 weeks before the competition, and then the weekend of the competition.
3. In addition to the following Guides/Checklists, the ABA Law Student Division and your assigned Arbitration Competition Subcommittee (ACS) Member are here to help should you have any questions or concerns. So, please reach out to them! The ACS will also hold group or individual Zoom meetings with Regional Hosts about 3-4 weeks before the Regional Competitions to walk through the steps for hosting and answer any questions. They'll also be available during the weeks before and the weekend of the competition.

**VIRTUAL ARBITRATION COMPETITIONS
CHECKLIST FOR REGIONAL HOST ADMINISTRATORS:
THE BIG OVERVIEW OF HOSTING RESPONSIBILITIES**

There are six main tasks as a Regional Host Administrator of a Virtual Competition:

1. Choosing the dates to host the competition.
2. Recruiting people to help you run the competition.
3. Having a virtual platform (Zoom is preferred) to host the competition.
4. Securing competition judges.
5. Having a Gmail account to access competition documents.
6. Running the competition.

1. CHOOSING THE DATES TO HOST THE COMPETITION:

- A. The ABA provides you with several possible weekends for the competition.
- B. When choosing dates, consider any other campus events (virtual or in-person) being held that weekend to ensure you have enough help to run the competition. Also consider the MPRE testing dates, which can preclude many students from helping you during the competition weekend.

2. RECRUIT PEOPLE TO HELP RUN THE COMPETITION:

- A. You can't run a competition alone, so recruit staff and students to help you in the weeks before and during the competition weekend. Just make sure you and any individual you recruit to assist you are not associated with the Host School's teams who are competing.
- B. You'll want about 12-15 people to help you—several to help you with pre-competition logistics and the majority to help you during the competition.

3. HAVE A VIRTUAL PLATFORM (ZOOM is preferred) TO HOST THE COMPETITION:

- A. Whichever virtual platform you use, it needs to be capable of having about 20-25 breakout rooms.
- B. A virtual platform that allows users to change their screen name.
- C. Check with your IT department about Zoom licenses (or whatever platform you choose) and what your school's equipment/bandwidth can handle when dozens of people will use that platform at the same time.

4. SECURING JUDGES FOR THE COMPETITION

- A. The goal is to have 3 judges in each competition room, so it's better to over-invite and have extra judges.

B. Generally, you'll want to start inviting judges about 5-6 weeks before the competition.

5. HAVING A GMAIL ACCOUNT TO ACCESS COMPETITION DOCUMENTS:

The ABA will be using Google Docs for all hosting documents, so you'll need a Gmail account to access those documents before and during the competition.

6. RUNNING THE COMPETITION.

Read the Arbitration Competition Rules, watch a past Arbitration Competition video ([in-person](#) or [virtual](#)) (if you've never participated in nor hosted an Arbitration Competition), and follow the DURING THE COMPETITION checklist for details about running the competition during the competition weekend.

**VIRTUAL ARBITRATION COMPETITIONS
CHECKLIST FOR REGIONAL HOST ADMINISTRATORS:
THE DETAILED CHECKLIST OF THE TOP HOSTING
RESPONSIBILITIES:
THE 4-6 WEEKS BEFORE THE COMPETITION**

There are five main tasks as a Regional Host Administrator during the 4-6 weeks BEFORE THE COMPETITION:

1. Notifying teams assigned to your regional of competition logistics.
2. Recruiting people to help you run the competition.
3. Having a virtual platform (Zoom is preferred) to host the competition.
4. Securing competition judges.
5. Having a Gmail account to access competition documents.

1. NOTIFYING TEAMS ASSIGNED TO YOUR REGIONAL OF THE COMPETITION LOGISTICS:

- A. The ABA will provide you with the list of teams assigned to your Regional Competition and their contact emails.
- B. Once you've chosen the dates to host the Regional Competition and confirmed them with the ABA, you'll need to notify the teams assigned to your Regional Competition about the Competition Schedule and other logistics.
- C. You should contact the teams assigned to your region no earlier than 4 days and no later than 7 days after receiving team assignments from the ABA. Waiting until the 4th day will ensure any conflicts are resolved and you're e-mailing the correct teams. Sending the e-mail no later than the 7th day provides teams plenty of time to understand the dates and logistics involved with your particular Regional Competition.
- D. Some of those logistics to provide to teams are:
 - i. The Competition Schedule, including the date and time of the first event—this may be the team orientation the night before the competition and/or several days before the competition, or you may want to offer more than one orientation to accommodate different schools' schedules. You can also record the orientation and send it to teams who cannot attend one of the scheduled orientations. As the Regional Competitions get closer, the ABA will provide you written, live, and/or recorded assistance with what the Team Orientation should include.
 - ii. The contact information for your Regional Host Administrator (whether that's you or someone else).

- E. You should also contact teams 1-2 weeks before the competition with the Zoom link, the sign-in sheet to be completed by a date a few days before the competition begins (this will allow you to know which students are officially on which team and you can prepare the team schedules to distribute to teams the night before or morning of the first round), and any additional details about the competition.
- F. All Regional Host Administrators must use the pairing schedule located in [Appendix B](#) for the respective number of teams assigned to their Regional Competition.
- G. See [Appendix K](#) for sample emails to use to contact teams, provide suggested logistical information, and request the sign-in sheet completion.

2. RECRUIT PEOPLE TO HELP RUN THE COMPETITION:

- A. During the weeks before the competition, you'll want help keeping track of judge responses, indications of which rounds they can judge, team questions, etc.
- B. During the competition, you'll want a student to serve as a Host Ambassador/Bailiff in each virtual competition room, 1-2 students/staff to greet judges when they check in virtually, 1-2 students/staff to greet teams as they check in virtually, and 1-2 students/staff to sit in the Competition Administrative Headquarters to help with tasks as they arise.
- C. Host Ambassadors/Bailiffs assigned to each virtual competition room will be responsible to:
 - i. start and host the round;
 - ii. run the waiting and breakout rooms;
 - iii. conduct a conflict check between the teams and judges before the round begins;
 - iv. 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 and/or heard during the rounds);
 - v. monitor/prevent any recording of the rounds through the platform;
 - vi. pause the hearing if a competitor or judge's video connection gets dropped;
 - vii. keep track of time, especially if there are technical issues during the round; and
 - viii. terminate and re-start the virtual platform for a "Zoom bombing" or other major technical issues.
- D. In advance of the competition, you may want to hold a meeting, offer a short video, and/or provide a list of instructions to the students/staff who will assist you. This may help things go more smoothly during the days of the competition

(see 3.C. below about the ABA providing written and/or live/recorded training on setting up Zoom for the competition).

3. HAVE A VIRTUAL PLATFORM (ZOOM is preferred) TO HOST THE COMPETITION:

- A. Zoom or other platform should be capable of having about 25 breakout rooms for competition rooms, team breakout rooms, judges' check-in, Competition Administration Headquarters, etc. as follows:
 - i. A number of competition rooms equal to half the number of teams assigned to your Regional Competition. So, if 12 teams are assigned to your Regional Competition, you'll need 6 competition rooms for each round because teams are paired against each other. No Regional Competition should have more than 14 teams and most will have 10. For the Semifinal Round, you'll need only 2 rooms and for the Final Round, only 1 room.
 - ii. A room for each team to use as a breakout/meeting room throughout the competition.
 - iii. A main room for teams and coaches to check in, use throughout the competition, and gather for announcements.
 - iv. A room for the judges to check in.
 - v. Competition Administration Headquarters room where you'll be posted to handle any issues that arise, where tabulating the Score Sheets/Ballots can take place, etc.
- B. Zoom or other platforms should be capable of participants changing their screen names to protect anonymity of teams and coaches from the judges.
- C. As the Regional Competitions get closer, the ABA will provide written, live, and/or recorded training on how to set up Zoom for the competition.
- D. It might be helpful to have an IT person on-call during the weekend of the competition should problems arise.
- E. You may also want to meet with your IT Department in advance of the competition and/or schedule a training for your Regional Host Administrative Staff/Volunteers with IT in advance of the competition to be prepared for any small technical glitches, etc.

4. SECURING JUDGES FOR THE COMPETITION

- A. The goal is to have 3 judges in each competition room, so it's better to over-invite and have extra judges and there's always some attrition as the competition nears.
- B. If your school's teams will compete at the Regional Competition you're hosting, make sure the Semifinal and Final Round judges will not be conflicted with those teams should your teams advance to those rounds. So, avoid full- or part-time faculty, adjuncts, and staff from your school.

- C. Generally, you'll want to start inviting judges about 5-6 weeks before the competition with an RSVP date that's several weeks before the competition so you'll have time to conduct additional invitations/recruitment should you not have enough judges. If several weeks before the competition, you're low on judges, reach out to the ABA and/or your assigned Arbitration Competition Subcommittee member for help.
- D. One of the benefits of a virtual competition is being able to invite alumni, lawyers, and judges who've moved out of town or state. Here are some suggestions on who to invite to judge:
 - i. Alumni
 - ii. American Arbitration Association Neutrals
 - iii. JAMS Neutrals
 - iv. Neutrals from other arbitration organizations
 - v. Local Arbitrators and ADR Lawyers
 - vi. Former Judges
 - vii. Local ADR Organizations
 - viii. Local (city, county, state) Bar Association
 - ix. ABA Section of Dispute Resolution
 - x. ABA Law Student Division
 - xi. At the Competition Administrator's request, the ABA can send electronic "Invitation to Judge" messages to ABA members on behalf of the host school.
- E. Because the competition is virtual, make sure to include the TIME ZONE that the competition will use so judges can calendar it correctly. See [Appendix K](#) for a sample judge invite email.
- F. To help the competition run more smoothly, it may be helpful to hold one or more live/recorded judge orientations in advance of the competition. Then, just prior to each competition round, you'll only need to have a short meeting with the judges to answer any last minute questions and make judge assignments to the virtual competition rooms.
- G. As the Regional Competitions get closer, the ABA will provide you with live and/or recorded materials to use during the Judge Orientation.
- H. Once judges agree to judge, send a confirmation email with the judging materials to them and the date(s) for orientations. See [Appendix K](#) for a sample confirmation email and list of materials to send.

5. HAVE A GMAIL ACCOUNT TO ACCESS COMPETITION DOCUMENTS:

- A. The ABA plans to post all Competition Hosting Documents on Google Docs for easy access to Hosts both before and during the Regional Competitions.
- B. Some of those documents will be:

- i. Team Sign-In Sheet
- ii. Arbitration Competition Rules
- iii. Score Sheets
- iv. Master Score Sheet/Spreadsheet
- v. Arbitration Competition Subcommittee member on-call chart and contact information
- vi. Judge Sign-in sheets

**VIRTUAL ARBITRATION COMPETITIONS
CHECKLIST FOR REGIONAL HOST ADMINISTRATOR:
THE DETAILED CHECKLIST OF HOSTING RESPONSIBILITIES
DURING THE COMPETITION**

During the competition, there are numerous tasks to complete regarding:

1. Teams and Coaches
2. Judges
3. Starting the Rounds
4. Competition Administration Headquarters for scoring, complaints, etc.
5. Distributing Master Score Sheet & Rankings, All Teams' Score Sheets/Ballots Excel Spreadsheet, and Announcing Advancing Teams
6. Post-Competition Wrap-Up

1. TEAMS AND COACHES:

- A. If you hold the Team and Coach Orientation before the first day of the competition, you don't need to hold one the morning of. Instead, teams will just need to check in in the Main Teams and Coaches Virtual Room so you know all teams have virtually arrived in advance of the round. If you haven't held the Team and Coach Orientation before the first day of the competition, then you'll need to do so before the first round.
- B. When teams and coaches check in, remind them to change their screen names as explained in [Rule 3](#) and [Rule 4](#) to protect anonymity.
- C. Once teams have checked in, you may send them to their assigned individual Team Breakout/Meeting Room or have them go to their assigned virtual competition room (using the pairing schedules in [Appendix B](#) for the correct number of teams assigned to your Regional Competition).
- D. A benefit of Zoom is being able to view who is in which virtual breakout room so if you're missing a team after check-in, you can see where that team is and ask/move the team to where the team needs to be.
- E. Should one or more teams not show up for the competition creating an odd number of competing teams, see [Rule 6.A.2.](#) on how to proceed. And contact your assigned Arbitration Competition Subcommittee member should you need help.

2. JUDGES

- A. If you hold the Judge Orientation before the first day of the competition, you don't need to hold one the morning of. Instead, you'll have judges complete a judge form, which includes their name, contact information, any schools they're

associated with (graduated from, are an adjunct at, etc. to avoid conflicts with competing teams), level of experience with arbitration, years of experience as an attorney/other, and level of preparedness for the competition. If you haven't yet held the judge orientation, you'll hold it that morning and before each round. You can certainly have the judges complete this form before the day of the competition, but they may not be able to tell you their level of preparation at that time if they haven't yet read the competition materials or haven't watched the Judge Orientation Videos.

- B. Although you may try to make some tentative judge panel assignments before the start of the competition, you need to be flexible and make changes should expected judges not show up, send someone else in their place, not read the Case File or Bench Brief, etc.
- C. You'll want 2-3 people helping with the judges' check-in and judge panel assignments. The information provided on the judge form is to allow you to create diverse panels in terms of gender, race, experience with arbitration (if possible, you want at least one person on each panel with a high level of arbitration experience), years of experience as an attorney, and level of preparation for the arbitration hearing. You want to avoid panels of one gender, one race, no arbitration experience, only 1-3 years of legal experience, or all with a level 1 of preparedness for the arbitration hearing. You also want to avoid any conflicts with a judge who graduated from a school that is competing or would likely know the team members from your school's competing teams.
- D. If someone judges both preliminary rounds, or one preliminary round and one of the advanced rounds, try to avoid them seeing the same team twice, unless there wouldn't be enough judges otherwise. You may want to consult with the team the judge has seen before to ask whether the team would prefer to have that judge in the room so there will be 3 judges on the panel (or 2), or whether the team would rather not be seen by that judge again and have fewer judges on the panel.
- E. Even if you've held the Judge Orientation in advance of the competition, you'll probably want to email the judges (or put it in the chat) the link to the Score Sheet/Ballot before the round begins.
- F. Some judges may not feel comfortable with the electronic Score Sheet/Ballot or experience a technical glitch that prevents them from using the ballot so here are two alternatives/back-up plans:
 - i. Send a .pdf of the Score Sheet/Ballot to print out so they can handwrite their scores. They can then scan or take a picture of the ballot and email/text it to you when it's time to submit the Score Sheets/Ballots.

- ii. Send them a .pdf of the Score Sheet to print out so they can handwrite their scores. Have them call you to walk through their scores as you enter those scores into an electronic Score Sheet/Ballot for that judge.
 - iii. It's always best to have 2-3 people helping with scoring to make sure the information is entered correctly.
- G. Remind judges to change their screen names to Judge LAST NAME.
- H. Remind judges to score independently, NOT to score on the merits of the case, NOT to tie the teams, and NOT to ask the teams where they're from.

3. STARTING THE ROUNDS

- A. Once teams are in their respective competition room and judges have arrived, the Host Ambassador/Bailiff must ensure the following:
- i. Only competitors, their coaches, and the assigned Arbitrator Judge's Panel are present.
 - ii. Competitors, coaches, and judges have correctly changed their screen names.
 - iii. Coaches have their cameras and mics muted.
 - iv. The judges do not know any of the competitors (because coaches will have their cameras and mics muted, the judges should not be able to see the coaches other than a coach's screen name such as #4—Coach; therefore, there should be no conflicts with the coaches).
 - a. If there is no conflict, the Host Ambassador/Bailiff should immediately notify the Regional Host Administrator to indicate that room is clear of conflicts.
 - b. If there is a conflict, the Host Ambassador/Bailiff must immediately notify the Regional Host Administrator. The teams must stay in their assigned rooms pursuant to the [Appendix B](#) pairing schedules, so the Regional Host Administrator must move the judge(s) with a conflict to another room.
 - c. Instead of having the Host Ambassador/Bailiff contact the Administrator, the Regional Host Administrator/Administrative Staff may choose to visit each virtual competition room to determine whether there are any conflicts.
 - d. Regardless of how the conflicts check is conducted/reported, the round should NOT begin until all conflicts have been resolved and the Regional Host Administrator/Administrative Staff visits each room to give the ALL CLEAR TO START THE ROUND or sends a broadcast message to all rooms that it's ALL CLEAR TO START THE ROUND.
- B. During the round, the Host Ambassador/Bailiff will also be responsible to:
- i. run/monitor the waiting and breakout rooms (coaches are not allowed in the team's breakout rooms during the hearing, which ends when the Arbitrator Judges release the teams after Summations);

- ii. monitor that only the competitors and judges have their cameras and mics on when appropriate;
- iii. keep track of time (may use the Judge's Timekeeping sheet)
- iv. pause the hearing should a competitor's or judge's video connection drop, there is a Zoom bombing, or other technical issue;
- v. ensure all competitors and coaches leave the room during the judges' scoring period (or have the judges mute their cameras and mics if they prefer);
- vi. contact the Regional Host Administrator with any problems.
- vii. ensure the judges have submitted their Score Sheets/Ballots before providing oral feedback to the teams (no written feedback will be given).
- viii. allow the teams and coaches to return to the room for the judges' feedback (or have the judges unmute their cameras and mics to provide feedback).
- ix. ensure no one is recording the round.

4. COMPETITION ADMINISTRATION HEADQUARTERS FOR SCORING, COMPLAINTS, ETC.

- A. The Competition Administration Headquarters should always be staffed so competitors, judges, Host Ambassadors/Bailiffs can find you or a member of the Administrative Staff should a problem arise. See [Rule 12](#) for how to handle complaints, violations, and disputes.
- B. The Competition Administration Headquarters may also be where scoring takes place (unless the virtual room is too noisy, in which case you can make an additional breakout room for scoring).
 - i. Judges will be using electronic Score Sheets/Ballots, which feed into an excel spread sheet.
 - ii. There should be 3 judges' scores for each team in each round. See [Rule 8.B.2](#) if there are more than 3 judges where you need to exclude a judge's Score Sheet/Ballot, or less than 3 judges where you need to create a third judge's Score Sheet/Ballot. If you have more than 3 judges and need to exclude one; do not review the judges' scores in that room before doing so. And, although randomly excluding a Score Sheet/Ballot may seem best, make sure that doing so does not exclude the only female, only minority, only older/younger judge's Score Sheet/Ballot. And, once you decide which Score Sheet/Ballot to exclude, delete it from the excel sheet (the ABA will provide you instructions on how to "clean up" the All Teams Score Sheet/Ballot excel spreadsheet).
 - iii. You'll need to enter the information from that excel spread sheet into the Master Score Sheet & Rankings. There are two parts to this process:
 - a. [Appendix F](#): Master Score Sheet & Rankings
 - 1. Enter each individual judge's vote (W=Win/L= Loss) on the top side of the diagonal; and the score from that judge's Score Sheet/Ballot in the

bottom of the diagonal. If you decide Judge Jackson is Judge 1, Judge Gonzalez is Judge 2, and Judge Thompson is Judge 3, keep them in that order as you enter their scores for both the Claimant and Respondent teams.

2. Mark a W for the winner of each round. (There should be an equal number of Wins (Ws) and Losses (Ls) for each round.)
 3. Enter number of rounds won.
 4. In the columns on the right 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.
 5. The last column on the score sheet can be used to note the top four seeds going into the semifinal round. See [Rule 8.B.](#) for how to rank teams.
- b. [Appendix G](#): Semifinal Round and Final Round Bracket – Record the team pairings for the semifinal round and which teams advanced to the final round, and which team won the final round. You'll use [Appendix F](#) again for entering the scores of the Semifinal and Final Rounds. See [Rule 8.C.](#) for scoring the Semifinal and Final Rounds.
- iv. It's always best to have 2-3 people helping with this process (or have 2 people fill out the Master Score Sheet & Rankings independently) to ensure the rounds won, scores, and rankings are correct.

5. DISTRIBUTING ALL TEAMS' SCORE SHEETS/BALLOTS EXCEL SPREADSHEET AND MASTER SCORE SHEET & RANKINGS, and ANNOUNCING ADVANCING TEAMS

- A. Once the All Teams' Score Sheets/Ballots Excel Spreadsheet has been cleaned up and verified, and the Master Score Sheet & Rankings is complete and double/triple checked by the Regional Host Administration, they need to be distributed to the teams for review.
- B. Have all teams gather in the Main Team and Coach Virtual Room for a roll call.
- C. Emailing the two spreadsheets to the team's main (or preferred) contact, should be the easiest method.
- D. Confirm that each team received both spreadsheets (and the main or preferred contact can forward it to the rest of the team members).
- E. Once it's confirmed that each team received both the All Teams' Score Sheets/Ballots Excel Spreadsheet and Master Score Sheet & Rankings, start a 15-minute timer (you can even share your screen with an on-line stopwatch) for the Master Score Sheet & Rankings Review Period as explained in [Rule 10.C.](#)
 - i. If no complaints or errors are raised, the four advancing Semifinal teams can be officially announced.

- ii. If complaints or errors are raised, they must be addressed/cured and any re-rankings conducted before the four advancing Semifinal teams can officially announced.
 - iii. 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.
 - iv. See [Rule 6.B.](#) for determine which client the advancing teams will represent during the Semifinal Round.
- F. After the Semifinal Round All Teams' Score Sheets/Ballots Excel Spreadsheet is cleaned up and verified and Master Score Sheet & Rankings (note, that you will not be ranking the 4 Semifinal Round teams; instead, it's a head-to-head competition in each of the 2 Semifinal Round rooms, so there will be a winner from each room) is complete and double/triple checked by the Regional Host Administration, they need to be distributed to the 4 Semifinal Round teams for review following the same procedure as 5(A-E) above. See [Rule 6.C.](#) to determine which client the advancing teams will represent in the Final Round.
- G. After the Final Round All Teams' Score Sheets/Ballots Excel Spreadsheet is cleaned up and verified and Master Score Sheet & Rankings (again, it's a head-to-head competition, with one team winning the Final Round) is complete and double/triple checked by the Regional Host Administration, they need to be distributed to the 2 Final Round Teams. There should be no need for a review period, but if a team notices an error, it should be addressed.

6. POST-COMPETITION WRAP-UP

- A. Report your Regional Competition results to the Law Student Division Chicago office on the Monday morning following your Regional Competition via email including the following:
- i. the winning school,
 - ii. the winning team members' names,
 - iii. All Teams' Score Sheets/Ballots Excel Spreadsheets for the Preliminary, Semifinal, and Final Rounds,
 - iv. The Master Score Sheet & Rankings for the Preliminary Semifinal, and Final Rounds,
 - v. Semifinal Round bracket, and
 - vi. Final Round bracket.

The Arbitration Competition Subcommittee will use this information to address any protests and to determine whether any additional teams should be invited to the National Competition.

- B. Report any complaints, violations, and disputes that were raised and how they were resolved.

- C. You should thank everyone who donated time, effort, or assistance to the competition with thank you letters or emails. This ensures you and your advocacy program will look good, as well as the competition itself. You also might consider sending judges a list of the team pairings that include the school names, team member names, and competition room numbers along with which teams advanced to the Semifinal Round, Final Round, and which team was the Regional Champion.

Appendix K: Sample E-mails to Teams & Judges

A. 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 Regional Host Administrator or students working the Zoom rooms unless it's with a tournament-related question that you'd ask if the Regional Competition was being hosted by another school. For the most part, those questions should be handled by your Team Coach.
3. A day or two before the competition, we'll send your Team Coach a list of arbitration judges we expect may be in your competition rooms. Please look over this list with your Team Coach and let us know ASAP if you recognize any of the names on the list, as we've tried to identify judges you may know. Then, you must delete that list and not keep a copy of it.
4. Undoubtedly, there may be judges you DO know in later rounds, which is why we'll conduct a conflicts check before each round. Should you know a judge, let the Host Ambassador/Bailiff assigned to that room know immediately.
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're 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 aren't intended to make you nervous; they're intended to benefit all of us. The important thing is to concentrate on your rounds and do well, as I know you will.

Come see me next week!

<Professor / Dean _____>

B. 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. The times used are in the (insert time zone) time zone.

Please read the Arbitration Competition Rules and note that rules specific to the Virtual format are highlighted in yellow. The rules provide 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 X time (insert time zone) 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.

(If you plan to host the orientation early, provide dates and whether or not orientation will be recorded.)

We anticipate that the competition will end on _____, _____ at approximately Y time (insert time zone)

We're 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 312.988.5671 or erica.zepeda@americanbar.org.

Sincerely,

(Your Name)

(Your e-mail address)

(Your phone number)

C. 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 X time (insert time zone) in the Virtual Competition Orientation Room (*include Zoom room link*) for Orientation.

(If you plan to host the orientation early, provide dates and whether or not orientation will be recorded.)

The competition schedule is attached for your review. Remember, the Orientation starts at Y time (insert time zone) _____ morning/afternoon/evening.

See you in a couple of weeks.

Sincerely,

Your Name
Your Phone Number
Your E-mail Address

D. 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 (insert time zone) 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 ____.

Round 1 _____, November ____ (8:30 am to 11:45 am) (insert time zone)

Round 2 _____, November ____ (1:30 pm to 4:45 pm) (insert time zone)

Semifinal Round _____, November ____ (8:30 am to 11:45 pm) (insert time zone)

Final Round _____, November ____ (1:30 pm to 4:45 pm) (insert time zone)

You'll receive an electronic copy of the competition problem (Case File), a Bench Brief (overview of the Case File), a sample Score Sheet/Ballot, instructions for judging, and Competition Rule 7: Arbitration Hearing Procedures (Note — sections of Rule 7 highlighted in yellow are supplemental rules applicable to the virtual format). Reviewing these materials and our Judge Orientation videos 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.

(Or you can create a google form or the like to have judges sign up.)

Sincerely,

Your Name

Your e-mail address

Your phone number

E. 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*). (If you are hosting judge orientation early, include that information here and note whether it will be recorded.)

Judging will begin with a 30-minute briefing session, which will start at _____ (insert time zone). The three-hour round will conclude at _____ (insert time zone). We will provide competition judges with all information on Zoom room assignments and links.

Please find attached to this message an electronic copy of the competition problem (Case File), a Bench Brief (overview of the Case File), a sample Score Sheet/Ballot, instructions for judging, and Competition Rule 7: Arbitration Hearing Procedures (Note — sections of Rule 7 highlighted in yellow are supplemental rules applicable to the virtual format).

Also, here are the links to three Judge Orientation videos—one that reviews Rule 7; one that provides guidance on using Zoom to watch the competition and using the electronic Score Sheet/Ballot to submit your scores; and one that provides an overview of this year's Case File (the parties, witness, and nature of the dispute).

Reviewing these materials and our Judge Orientation videos is the only preparation requested of competition judges.

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: Outline for Orienting Teams and Coaches

- 1) Competitors learn their team designations usually the night before or morning of the competition. Teams must complete their team member designation form (which team members are on which team) before this information is shared with all teams. The team member designation form may be required to be completed up to 5 days before the competition.
- 2) Introduce Regional Host Administrators and advise where to find them in the Competition Administration Headquarters Zoom Room throughout the competition. Be sure to provide this Zoom room link to all participants (or indicate it's one of the breakout rooms). If possible, have your law school dean welcome the teams to the school; otherwise, Regional Host Administrators should welcome the competitors.
- 3) After ascertaining 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 link(s).
- 5) Review the overall competition format:
 - 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 Arbitrator Judges to independently complete their Score Sheets/Ballots, and 20 minutes for provide feedback to both teams.
- 6) Review competition procedures ([Rule 7](#)), Zoom room and breakout room set up, and any virtual Rule of note or specifics to your Regional Competition.
- 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 Members.
- 8) Remind participants and coaches of prohibited communication during the Arbitration Hearing ([Rule 11](#)).

Appendix M: Outline for Briefing Arbitrator Judges

- 1) Introduce Regional Host Administrators and advise where to find them in the Competition Headquarters Zoom Room throughout the competition. Be sure to provide this Zoom room link to all judges (or indicate it's one of the breakout rooms).
- 2) Review information in the Arbitrator Judges' electronic packet, which should include:
 - a) Competition schedule;
 - b) Competition Case File;
 - c) Bench Brief (overview of Case File);
 - d) Arbitrator Judges' instructions ([Appendix C](#)) and [Rule 7](#);
 - e) Sample electronic Score Sheet/Ballot;
 - f) Team pairings (without school names), listing room numbers for each round, and Zoom links (or indicate the competition are breakout rooms). If using breakout rooms, you don't have to provide the judges a schedule—you can call out the names of the judging panel assigned to a particular virtual competition room and have them join that room. Then, call out the next panel and repeat the process until all judges have been assigned a room. Also, you don't have to provide the judges with the team pairings as they'll learn who the two teams are in their assigned room when the judges virtually arrive in that room;
 - g) Judges should not know the competitors or see the same team twice, if at all possible. So, explain that the Host Ambassador/Bailiff will conduct a conflicts check before the round begins. 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 the overall competition format:
 - 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 Arbitrator Judges to independently complete their Score Sheets/Ballots, and 20 minutes for provide feedback to both teams.
- 4) Review [Appendix C](#) (Instructions for Arbitrator Judges) especially about not scoring on the merits, competitors and coaches remaining anonymous in their school affiliation, and providing constructive feedback (identify 1-2 things each team did well and 1-2 things that could be improved).
- 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 competition.
- 6) All three judges don't have to unanimously declare a winner—it's okay to have a split decision. That's why the judges should independently complete and submit their Score Sheets/Ballots. Further, there can't be any ties on the Score Sheets/Ballots—one team must receive a higher score than the other from each judge.
- 7) 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.
- 8) 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.