



alternative
dispute
resolution
board



SCORING CRITERIA



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NEGOTIATION

01

Marking Criterion - Advancing Interests of the Client - 20

- Conveying interests through Opening Statement
- Ability to advance interests throughout the negotiation, while recognizing and accounting for the other parties' interests
- Use of negotiation tools in advancing interests of the client
- Awareness and when appropriate, assertion of BATNA

Marking Criterion - Communication & Information Sharing - 20

- Clarity of communication
- Active Listening
- Effective information gathering and sharing
- Appropriate and strategic disclosure of confidential information

Marking Criterion - Relationship Building - 10

- Building Trust
- Collaborative Approach
- Negotiating in Good Faith

Marking Criterion - Professional Conduct - 10

- Legitimacy of Persuasion methods/ Ethical consideration of Strategy
- Appropriateness of demeanour and responses
- Responding to emotions

Marking Criterion - Teamwork - 10

- Effectively working together, Mutual Understanding, Good Coordination & Flexibly Appropriate Balance of Participation
- Communicating subject matter relevant to respective roles
- Whether there was a discernible role division within the team

Marking Criterion - Commitment/Settlement Sought - 20

- Proposals presented
- Creativity of solutions presented
- Response to offers and providing counter-offers
- Conformity of solutions presented and agreed to with interests of the client
- Dealing with impasse/obstacles
- Value Claiming & Value Creation

Marking Criterion - Time Management - 10

- Effective Distribution of time
- Timely conclusion of the round
- Whether the team attempted to monopolize the time, in an attempt to prevent the other team from participating effectively

Tie-Breaking Method:

For the purposes of tie-breaking, the following criteria will be considered (in this order):

1. Commitment/Settlement Sought
2. Communication and Information Gathering
3. Advancing Interests of the Client

MEDIATION (MEDIATOR)

02

Marking Criterion - Communication Skills- 20

- Opening Statement
- Identifying Interests, Needs, Goals, Views and Emotions
- Using neutral and constructive language
- Summarizing and re-framing where needed
- Effective use of Active Listening techniques

Marking Criterion - Problem Solving Skills - 20

- Asking for clarifications in a timely and appropriate manner
- Helping parties separate their interests from their positions
- Assisting the parties to understand the impact of the present dispute on their interests
- Encouraging option creativity without any evaluative feedback
- Assisting in reality checking

Marking Criterion - Management of the Session - 10

- Time Management
- Tracking progress and adapting the process to meet the circumstances of the discussion/needs of the parties
- Effective use of the procedural tools to further the mediation
- Supporting the negotiations through effective summarizing, identifying key information and impediments
- Steps taken to prevent stalling and encouraging progress in the mediation
- Managing conflicts at the table

Marking Criterion - Qualities of a Good Mediator- 10

- Effective preparation for the mediation
- Building trust in joint and private sessions
- Effectively understanding parties' interests
- Maintenance of neutrality throughout the round
- Appropriateness of the decision to call or not call a caucus

Tie-Breaking Method:

For the purposes of tie-breaking, the following criteria will be considered (in this order):

1. Problem Solving Skills
2. Communication Skills
3. Management of the Session
4. Qualities of a Good Mediator

MEDIATION (CLIENT- ATTORNEY)

03

Marking Criterion - Advancing Interests of the Client- 20

- Conveying interests through Opening Statement
- Ability to advance interests throughout the negotiation, while recognizing and accounting for the other parties' interests
- Flexibility in adapting to the unexpected while advancing interests
- Awareness and when appropriate, assertion of BATNA

Marking Criterion - Communication & Information Sharing - 10

- Clarity of communication
- Active Listening
- Effective information gathering
- Appropriate and strategic disclosure of confidential information

Marking Criterion - Relationship Building - 10

- Building trust
- Seeking to be collaborative
- Negotiating in good faith

Marking Criterion - Teamwork - 10

- Effectively working together
- Communicating subject matter relevant to respective roles
- Advocate protecting the client's interests

Marking Criterion - Using the Mediator- 10

- Seeking mediator's help at the right time and in an appropriate manner
- Constructive response to mediator's interventions

Marking Criterion - Commitment/Settlement Sought - 20

- Proposals presented
- Creativity of solutions presented
- Response to offers and providing counter offers
- Consistency/Conformity with interests of the client
- Dealing with impasse/obstacles
- Outcome achieved

Marking Criterion - Professional Conduct - 10

- Legitimacy of Persuasion methods/Ethical consideration of Strategy
- Appropriateness of demeanour and responses
- Responding to emotions/concerns

Marking Criterion - Time Management - 10

- Effective distribution of time
- Timely conclusion of the round

Tie-Breaking Method:

For the purposes of tie-breaking, the following criteria will be considered (in this order):

1. Commitment/Settlement Sought
2. Communication and Information Gathering
3. Advancing Interests of the Client

CLIENT COUNSELLING

04

Marking Criterion - Establishing An Effective Professional Relationship - 10

- Creating a good working atmosphere for the session
- Orienting the client to the special nature of a lawyer-client relationship [Discussion of Confidentiality, Rights & Obligations, Fees, Structure of Session, Future Sessions]

Marking Criterion - Obtaining Information - 10

- Eliciting relevant information from the client [Legal & Non- Legal]
- Manner of eliciting and managing sensitive information
- Understanding the feelings of the client, as intertwined with facts
- Active Listening on the part of the Lawyers
- Developing a complete and reliable understanding of the facts

Marking Criterion - Learning The Client' s Goals, Expectations & Needs - 10

- Understanding the Client's Needs [Reasons behind Goals]
- Understanding the Client's Goals & Initial Expectations [Outcomes]
- Developing/Restating/Modifying Goals and Initial Expectations, with the input of the Client, as necessary

Marking Criterion - Problem Analysis and Advice - 10

- Brief Description/Restatement of the Problem Creative
- Analysis of the Problem [Legal & Non-Legal Perspectives]
- Identification/Formulation of Issues [Legal & Non-Legal]
- Brief discussion of Legal Position
- Accuracy of Legal Analysis
- Discussing interface of legal and non-legal issues
- Appropriateness of Legal Advice [Is it consistent with the achievement of the Client's Goals?]

Note: Participants are expected to analyse the legal position and tender advice to the client referring to the laws prevailing in the country of their residence.

Marking Criterion - Developing Reasoned Courses Of Action - 10

- Development of Effective & Feasible Options [Legal & Non-Legal]
- Whether Courses of Action address Client's Needs, Goals & Expectations
- Balancing Legal & Emotional Needs of the Client
- Helping the Client understand the Appropriateness of Possible Solutions, in light of Goals
- Assisting the Client in making an Informed Choice, taking into account Legal, Social, Economic & Psychological Consequences

Marking Criterion - Effectively Concluding the Interview - 10

- Effective & Skillful Conclusion of the Interview
- Whether the Client left with a sense of Confidence in the Lawyers
- Whether the Client left feeling appropriately reassured
- Whether the Client left with a clear sense of what to expect next
- Whether the Client left with a clear sense of Mutual Obligations to follow

Marking Criterion - Teamwork - 10

- Appropriate Balance of Participation
- Whether there was a discernible role division within the team
- Whether the Lawyers displayed Mutual Understanding, Good Coordination & Flexibility in managing the Client
- Whether the Lawyers work well together as a team

Moral and Ethical Issues - 10

- Did the Lawyers recognize/identify the moral and ethical issues?
- Did the Lawyers deal with moral/ethical issues professionally, and without judgement?
- Did the Lawyers take into account rules on professional standards?
- Did the Lawyers propose unethical/immoral tactics or methods?

Post Round Analysis - 10

- Detailed Discussion of Legal Questions [Possible Arguments & Counter Arguments] [With reference to applicable statute/ authority, if any]
- Potential & Pitfalls of Strategy Proposed
- Acknowledging Strengths & Limitations of Interviewing/ Counselling Skills
- Detailed Discussion of Non-Legal Issues
- Overview of Session

Tie-Breaking Method:

For the purposes of tie-breaking, the following criteria will be considered (in this order):

1. Problem Analysis and Advice
2. Developing Reasoned Courses of Action
3. Obtaining Information