

CONFLICT MANAGEMENT IN HIGHER EDUCATION REPORT

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Strengthening Undergraduate Mediator Competency via the National Intercollegiate Mediation Tournament

by Kenneth Frank

From my point of view as an educator and mediator, one of the most significant developments for advancing the understanding of mediation for college and university students has been the evolution of the National Intercollegiate Mediation Tournament. Because I had initiated and coached mock trial teams at two colleges, I was familiar with the American Mock Trial Association and its development of mock trial for undergraduate students. However, as the director of a conflict resolution program, I was also aware there was no comparable intercollegiate activity for mediation. Many of my students wanted to practice their mediation skills, but other than role plays and internship experiences, we had no place to do so.

So when the first National Intercollegiate Mediation Tournament was held in Des Moines, Iowa in December of 2000, I encouraged a team of students to participate. We have since participated in each of the subsequent tournaments, and when performing program assessment at the university, I discovered how important those experiences had been for the students. When asked to write a one-minute essay on the "peak experience" during their years as a Conflict Resolution and Legal Studies major at Brenau University, all students who had participated in one of the mediation tournaments listed that exercise as their peak experience. At that point, I was convinced of the significance of the National Intercollegiate Mediation Tournament and other invitational mediation tournaments for future mediators.

To understand the development of the National Intercollegiate Mediation Tournament, it is first necessary to review the growth of college mock trial and the American Mock Trial Association [*](#). In 1985, mock trial was established at the undergraduate college level at Drake University Law School. Motivation to begin the program was three-fold:

- First, the founders, who were lawyers and members of the Iowa State Bar Association, wanted to introduce college students to the legal process and the American judicial system. It was their feeling that if college students understood how the legal system worked, they would be less critical of it and more willing to work within the system later in life. Students would also have a better appreciation of lawyers and the functions they serve in society.
- Second, it was recognized that mock trial provided excellent training in critical thinking and the ability to present orally in a logical and meaningful way.

- Third, the originators of the program recognized that our college athletes enjoyed a unique educational experience in competing in intercollegiate athletics, which was an important part of their college education. It was thought that mock trial could offer college students this same educational experience, and this has been realized. Mock trial students learn the meaning of competing in a team environment, the camaraderie and companionship of working together for a common goal, the joy of winning and the growth which comes from losing, and the fun of traveling, meeting and becoming friends with students from other schools.

Mock trial has become so successful that in the nineteenth year of the program some 236 colleges and universities from across the nation fielding over 460 teams (six to eight students per team), competed, attending 26 invitational tournaments, 17 regional tournaments, and 3 national tournaments. Many of the students were recognized with *Intercollegiate All-American*® honors, just as in college sports.

The success of mock trial led its founders to begin thinking how to expand the program so that more students with different interests and profiles might participate at the intercollegiate level. Thus, the national intercollegiate mediation tournament was established to expand the scope of intercollegiate education. Mediation appeals to the student who is more inclined to help others find peace rather than confront them (as in mock trial), to find resolution through understanding rather than cross-examination and impeachment, and to establish a process of healing.

Although the process and formats of mediation are quite different than mock trial, the goals are not. The mediation tournaments still seek to introduce students to a methodology for finding resolution; to train students in important communication skills; and to give the student all the benefits of intercollegiate competition and camaraderie. However, the mediation tournaments and the training offered at the tournaments give students one important additional benefit: it trains them in skills which they can take back to their campuses and use while still in school. These students are equipped to reach out to others on campus and help them to find a peaceful resolution to conflict.

The [National Intercollegiate Mediation Tournament](http://www.collegemocktrial.org/mediation_default.htm) (http://www.collegemocktrial.org/mediation_default.htm) has completed its third season. This year 20 teams from across the nation competed. As in mock trial, students who demonstrated exceptional skills were recognized with *Intercollegiate All-American*® mediator honors.

In the mediation tournaments, teams are made up of three students each. In each preliminary round one student is the mediator, another the advocate, and the third the client. Each member of every school's team must participate as the mediator in one of the three preliminary rounds. In each round, co-mediators from different schools conduct the mediation. They mediate a case involving two advocate/client pairs from schools other than their own. After three preliminary rounds, the top four teams based on points awarded to each team member in the preliminary rounds go on to the finals. The point totals for the final round determines team ranking. *Intercollegiate All-American*® mediator honors are awarded to these mediators and mediators from other

teams who individually showed exceptional mediation skills but whose teams did not reach the finals.

One clear distinction between the mediation tournaments and mock trial tournaments is that competition is less noticeable in the former. Because students must co-mediate with students from another school there is considerably more rapport built among the students. Students feel there is considerably less pressure on them to "win," and more on learning and working with others. Further, at every mediation tournament, there is training in mediation available for students and team coaches.

Those of us who are members of the National Intercollegiate Mock Mediation Tournament Board are quite enthusiastic about the program for several reasons: First, it gives students who may not be as aggressive as "mockers" an opportunity to learn and participate in a meaningful intercollegiate activity. Second, it introduces students to a new and dynamic methodology for problem solving that avoids the traditional adversarial format. Third, it encourages students, at an early age, to identify themselves as peacemakers and to conduct their personal lives in nonconfrontational ways, which can only make them better people. And, fourth, it introduces students to a movement, which is beginning to have a profound effect in the legal system and society generally.

For the academic year 2003-2004, the [National Championship Intercollegiate Mediation Tournament](http://www.collegemocktrial.org/mediation_default.htm) (http://www.collegemocktrial.org/mediation_default.htm) will be held at John Marshall Law School in Chicago, IL on November 7-8, 2003. In addition, invitational mock mediation tournaments will be held at University of Wisconsin, Platteville, Wisconsin on September 26-27, 2003 and at Brenau University, Gainesville, Georgia on October 10-11, 2003. For more information, on the University of Wisconsin tournament, contact John Rink at rink@uwplatt.edu or (608) 342-1795, or UW-Platteville Social Science Department, 1 University Plaza, Platteville, WI 53818. For information on the Brenau University tournament, contact Kenneth K. Frank at kfrank@lib.brenau.edu or (770) 534-6297, or Conflict Resolution & Legal Studies Program, Brenau University, One Centennial Circle, Box 18, Gainesville, GA 30501.

For those professors and students interested in gaining a working understanding of mediation, they need only let their interests be known. In addition to the American Mock Trial Association (<http://www.collegemocktrial.org>), the International Academy of Dispute Resolution is prepared to assist a college or university in establishing a mediation program where an interested student or professor is affiliated. To learn what it is like to initiate and coach a mock mediation team, you may contact me at the addresses and phone listed above. It is my belief that participation in these mediation tournaments can truly be a "peak experience" for college and university students, and encourage the use of conflict resolution in their lives.

*Much of the historical and descriptive information of the tournament was provided by Mr. Richard M. Calkins, former Dean of the Drake University Law School, and President of the American Mock Trial Association and Dean of the American Academy of ADR Attorneys.

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