



# INDORE INSTITUTE OF LAW

(Affiliated to D.A.V.V. & Bar Council of India, New Delhi)

## THE INTERNATIONAL LAW FEST

### ‘LEX BONANZA-2K19’

STRIVING FOR LEGAL EXCELLENCE

#### CHAPTER-VIII

18 OCTOBER – 20 OCTOBER, 2019

### MED- NEG COMPETITION

### 1<sup>ST</sup> MEDIATION & NEGOTIATION COMPETITION

#### 1. COMPETITION BRIEF

Mediation has gained much traction and emphasis in the recent times as a method for dispute resolution among the parties, basically embedded as a conciliatory form of dispute resolution, Mediation allows party to conduct session for addressing factual and legal concerns and reaching a mutually agreed upon situation for the resolution of dispute among the parties.

In recent years, Mediation has specifically seen as a reliable source of dispute resolution in family disputes, commercial disputes & contractual matters. Exploring these varied dispute situations, Indore Institute of Law is organizing its 1<sup>st</sup> Mediation & Negotiation Competition – Med-Neg; a first of its kind transitional mediation that provides party with the opportunity to conduct fruitful negotiation, providing the advocate an additional opportunity in the Mediation process to act as the Negotiator on behalf of the Client.

This competition aims to act as a platform to test students on their skills of Mediator, Client, Advocate and Negotiator providing the participant a holistic opportunity to hone their lawyering skills, communication skills and to sharpen their acumen towards a conciliatory dispute resolution process.

#### 2. COMPETITION RULES:

- ❖ Language of competition – The official language of the competition is strictly English, communication in any other language will not be allowed.

❖ Topic – The theme of proposition will cover contractual disputes & family disputes

❖ Structure & Format

- ✓ The Competition shall consist of preliminary round (Knockout Rounds), Semi-Finals & finals.
- ✓ During each Preliminary Round, 2 negotiation teams and 2 mediators shall participate. No mediator shall be allowed to participate in a matchup involving her/his negotiation team.
- ✓ Assessors - There will be one assessor for each of the preliminary rounds. This number might increase at the discretion of the Organising Committee in the further rounds.
- ✓ Participating team - Each participating team shall consist of one student as Client, one student as Mediation Counsel and one student as the Mediator. Coaches and observers shall not be allowed to accompany the team. The roles which have been pre-assigned by the team shall be carried forward throughout the competition. The registration form requires teams to specify the roles of each individual member. Change of roles after the registration shall not be entertained.

❖ Mediation Session – During the Orientation Day, The Organizing Committee will be conducting the Draw of Lots on the basis of team codes allotted to participants.

❖ Duration of Rounds –

1. Preliminary Round (Knockout Round) – 90 minutes [Mediation Round]  
Prep Time – 10 mins, Mediation Session – 60 mins, Scoring – 10 mins, Feedback 10 mins  
**NOTE:** Top 4 teams of the Preliminary Round will proceed to the Semi-Final
2. Semi-Final – 90 minutes [Negotiation Round]  
Prep Time – 10 mins, Negotiation Session – 60 mins, Scoring – 10 mins, Feedback 10 mins
3. Final Round – Med Neg Round; Transitional Mediation – 120 mins  
Prep Time – 15 mins, Mediation Session 45 mins, (if parties fail to reach agreement, the round will transition in Negotiation Session), Negotiation Session – 40 mins, Scoring – 10 mins, Feedback – 10 mins

*\*The Mediation Session time includes the caucus and the break. Ushers will be on stand-by for timely reminders during the mediation session.*

- ❖ Breaks - Each competing team may take one break of not more than 3 minutes during the mediation session. If one competing negotiation team calls for a break, both the teams must leave the room.

Caucus - During the Mediation session, the Mediator or any of the negotiation teams may call for a Caucus, in accordance with the following provisions:

- a) Each caucus may not last longer than 5 minutes.
- b) No one is allowed to leave the room, except for the negotiation team which the mediator escorts outside, while he/she engages in a private session with the other negotiation team.
- c) During a caucus, the mediator(s) can engage in dialogue with one negotiation team – the client and counsel or there can be a caucus between the mediator(s) and both the competing clients (without their lawyers) or between the mediator(s) and both the competing lawyers (without their clients) – this is called a cross-caucus.
- d) There is no limit on the number of caucuses called. Similarly, it is not mandatory to call for a caucus. It is up to the discretion of the negotiators and mediators to call for a Caucus. They will be assessed on the timing, reason and productivity of the caucus, if called for.

- ❖ Judging Criteria - The judging criteria shall be applied to the performance of both: the negotiation team as well as the mediator. There is no requirement of or reward for reaching a settlement.

- ❖ Assessors

- a) The Organising Committee shall be responsible for choosing and pairing the assessors and allocating them for the different competition rounds.
- b) Utmost care shall be taken to ensure that the competing teams are assessed by different assessors in each round.
- c) The Organising Committee shall ensure that the assessors are neutral, independent, and impartial towards the teams they are assessing.

- ❖ **Governing Law** - The problems may have reference to a real or fictitious place. However, and unless a problem explicitly indicates otherwise, for purposes of the competition, it is assumed that there is no governing law and that the jurisdiction applies general principles of uniform international law.
- ❖ **Feedback** – The assessor will be providing feedback to the students, and the assessment will be based on the team’s performance in mediation in all roles.
- ❖ **Rounds** - The Negotiation team with the most number of points will be the winner of that round in the Preliminary Rounds. Similarly, mediators will be assessed on their combined score at the end of the preliminary round

#### Ranking of teams after Preliminary Rounds

- a) Negotiating teams will be ranked and selected for the knock-out rounds in order of the following criteria:
  - a. Total number of overall points.
  - b. Total number of score sheets designating a ‘wins’.
  - c. Greatest number of points scored during joint session.
- b) Mediator ‘duos’ will be ranked and selected for the knock-out rounds in order of the following criteria:
  - a. Total number of overall points.
  - b. Greatest number of points scored during Caucus.
  - c. Greatest number of points scored in Opening and Closing Statement.

### **3. REGISTRATION PROCESS**

Each participating team shall consist of a Client-Mediation Counsel pair (i.e., the Negotiation Team) and one student as the Mediator.

The registration form requires teams to specify the roles of each individual member. The roles which have been pre-assigned by the team will be carried forward throughout the competition. Change of roles after the registration will not be permitted. Teams must complete the provisional registration by submitting the scanned copy of the Registration form to the organizing body.

**The Last Date of Registration is 1<sup>st</sup> October**

Registration Fee is Rs. 800/- per team for Indian Delegates and €10 for Foreign delegates , which is inclusive of competition kit and training sessions as arranged for by the organising committee.

Final registration of the teams is subject to the successful payment of the registration fee within the stipulated time.

#### **4. COMPETITION PROBLEM**

- The problem shall consist of General Information for all parties and Confidential Information for each of the requesting party and the responding party, respectively.
- The students may seek clarification on the problem by contacting the coordinators of the event, the last date to seek any clarification is 10<sup>th</sup> October, 2019.
- The confidential information shall be provided to the negotiation team and the assessors 30 minutes prior to the sessions. Mediators shall not receive any confidential information. Teams, assessors and members of the Organising Committee and anyone else who is privy to the Confidential Information shall not disclose it to others. Confidential information will remain in the custody of Organising Committee and distributed during Prep time by representatives of the Organising Committee.
- The teams will be registered on a first come first serve basis
- Only one team from the Host Institution will be allowed to participate in the competition, the organizing committee has no conflict of interest to declare in this regard.

#### **5. ELIGIBILITY**

- The competition is open to full-time law students (5 year and 3 year course) & LLM students registered in any University in India or outside India, for the academic year 2019-20. Only students studying law may participate in the competition.
- Each university may nominate a maximum of two teams. By applying for the competition, the teams shall be deemed to have accepted the rules, terms and conditions of the conditions as stated in this document.

#### **6. PENALTIES AND DISQUALIFICATION**

- If a violation of the Rules is believed to have been committed by a team or one of its members, the Organising Committee may in its own absolute discretion, upon its own initiative or complaint from another team or assessor, impose a penalty or disqualify the whole team.
- The Competition Grievance Panel shall be informed before any action of disqualification is taken. The panel shall consist of the head of the host institution, , the chief coordinator of the Organising Committee, and two assessors from the panel of assessors.
- A maximum of five points may be deducted from the overall score for any violation of the Competition Rules 2019.

#### **7. AWARDS:**

- Winning Negotiation Team – Rs. 7,100
- Runners-up Negotiation Team – Rs. 5,100
- Winning Mediator – Rs. 2,100

#### **FACULTY CO-ORDINATORS**

- **Ms. Rashmi Shukla, Assistant Professor** **8895619266**
- **Mr. Jaidev Mahendra, Assistant Professor** **8349175326**
- **Ms. Teena Saini**
- **Mr. Vikram Chandel**
- **Mr. Swapnil Dutt Vyas**

#### **STUDENT CO-ORDINATORS**

- **Anushka Bhargav**
- **Astha Vaishnav**