

MEDIATION AND NEGOTIATION: RULES AND REGULATIONS

1. AIM AND PURPOSE OF THE EVENT

1.1. Fete de la Nomos, conducted by the School of Law, CHRIST (Deemed to be University), Lavasa aims at developing participants' questioning skills, critical thinking, and oratory skills. The mock trial aims at nurturing the litigation, evidence establishment and developing knowledge of Trial Courts.

2. LANGUAGE

2.1. Fete de la Nomos, conducted by the School of Law, CHRIST (Deemed to be University), Lavasa shall be conducted in the English language only.

3. DATE AND VENUE

3.1. Fete de la Nomos, conducted by the School of Law, CHRIST (Deemed to be University), Lavasa shall be conducted from April 29, 2022 to May 2, 2022. It will be held online through Cisco WebEx Meetings.

4. DRESS CODE

4.1. The dress code shall be strictly business formals.

4.2. Advocate's gown and white band are prohibited. Participants shall make their own provisions to comply with the dress code.

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5. ELIGIBILITY

5.1. The Competition shall be open to all law students who are pursuing LLB (3 years or 5 years) course in any university authorised by the Bar Council of India.

6. REGISTRATION

6.1. Only individual participation is allowed from a College/Institution/University. The first 24 participants that confirm and complete the final registration formalities shall be entitled to participate in the said Competition.

6.2. The participant will have to register using Google Forms shared by the organisers. In case the participants have any clarifications or queries, they shall mail the same to **slcufete.lavasa@christuniversity.in**.

6.3. The teams are required to send the scanned copy of the final Registration form and proof of payment to **slcufete.lavasa@christuniversity.in** on or before 24th April 2022, 11:59 PM. The amount to be paid for the event is INR 472/- per member (inclusive of 18% GST).

7. TEAM COMPOSITION

7.1. The team composition for the preliminary round of negotiation is elaborated as follows:

7.1.1. The team members can decide which 2 of 3 members shall perform as the negotiating pair for the purpose of the 2 rounds their team would be a part of. The topics will be given to the participants during the event.

7.1.2. The 2 members shall, for the purpose of Preliminary Rounds, be the Negotiating Pair for Party A and Party B, alternatingly. Each participant will be allotted a time of 3 minutes + 1 minute.

7.2. The team composition for the remaining rounds of mediation are as follows:

7.2.1. The 3 membered team shall now comprise of a “Mediator” and a “Mediating Pair”. The “Mediating Pair” shall contain a client and a counsel.

- 7.2.2. These positions shall not be altered for the remaining duration of the competition. For instance, a team has members P, Q and R. P and Q decide to be the mediating pair for the Preliminary Round 2, while R becomes the mediator- thereon forward for the rest of the competition, P and Q shall remain as a mediating pair and R shall remain as a mediator.
- 7.2.3. In each virtual room for mediation sessions, there will be one session supervisor; two judges; two mediators (from two different teams 1 and 2); party A: Client and Counsel (from team 3); party B: Client and Counsel (from team 4).
- 7.2.4. The date and time of the round would be mentioned to the participants. The participants have to enter the competition at the given time. If the round is due to start at 3 pm, open the online platform link a few minutes before.
- 7.2.5. **Kindly log in as “*insert name of Client for Party A*”, “Counsel for Party A”, “*insert name of Client for Party B*”, or “Counsel for Party B”, as the case may be.**
- 7.2.6. A session supervisor will then place the participants into “breakout rooms” in order for them to have preparation time. The two mediators will be placed into one room. Here, the participants will be able to discuss the strategy as co-mediators and carry out preparation work.
- 7.2.7. Party A and the counsel will be placed into another room. Here, the participants will be able to analyse the participants confidential information and prepare for the round. Additionally, the participants would be asked to complete the “preparation form”. The participants have to be ready to share this information with the judges after the competition round.
- 7.2.8. Party B and the counsel will be placed into another room by the session supervisor. After 30-minutes, the participants will all be called back into the “main room”, where

the judges will be waiting. The session supervisor will give the participants the go-ahead to start the mediation.

8. JUDGES

8.1. Judges are provided a statement of the case as well as the confidential information provided by each party.

8.2. Students may not at any time confer with the judges until their ballots have been turned in.

8.3. Thereafter the judges may provide a short critique.

9. COMPETITION ROUNDS

9.1. The preliminary round, or the mediation round, of the competition shall have the following format:

9.1.1. There will be two (03) Preliminary Rounds, each shall be Negotiation. 2 members per team must compete as a Negotiating pair in 2 of 3 Preliminary Rounds. [for instance: participating team A1 comprises say X, Y and Z. X and Y are to be the negotiating pair in Preliminary Round 1 (A1 vs A2), and either Y and Z or Z and X are to be the negotiating pair in Preliminary Round 3 (A3 vs A1)]

9.1.2. The Negotiating pair (Client-Counsel team) will each offer a brief summary of the facts and their client's goals for the negotiation.

9.1.3. During the balance of the negotiation, the counsels and clients should work together to achieve the clients' goals.

9.1.4. The counsels and clients should act realistically and professionally in the spirit of negotiation.

9.1.5. Counsels and clients may not bring any pre-prepared material to the negotiation, other than notes for their personal use.

9.1.6. Only photographs or documents from the General Information may be shown to other party during the negotiation, unless the Confidential Information includes a visual aid of some kind and specifically permits the counsels and clients to use it during the mediation.

9.1.7. On the basis of the total team scores in the Preliminary Rounds, 8 teams proceed to quarter-finals.

9.1.8. The time limit for both the Preliminary Rounds shall not exceed 25 minutes.

Break down of total time [25 minutes+ 5 minutes buffer time] per negotiating session:

Opening Statement of both Negotiating pairs [3 minutes per pair]

Client of Party A, Counsel of Party A

Client of Party B, Counsel of Party B

Negotiation [15 minutes]

Closing Statement of Counsel-Client Team [2 minutes each]

9.2. The quarter-final round, or the mediation round, of the competition shall have the following format:

9.2.1. 8 teams proceed to quarter-finals. If the mediating pair from 'Institute a' participates in session 1 of 4, the mediator from 'Institute a' shall participate in session 3 of 4. The same holds true to the remaining 7 teams (refer the schedule).

9.2.2. The mediators can decide who goes first and whether they will coordinate their remarks or make them independently. Each co-mediator must conduct a

caucus during the mediation—it can be immediately after the parties’ opening statements or later, at the mediators’ discretion.

- 9.2.3. The co-mediator not conducting the caucus shall observe and may ask clarifying questions at the end of the caucus. Thereafter, the co-mediators can use a conference or caucus format as they wish, though they must conduct at least one conference session.
- 9.2.4. The mediators should try to ensure that caucuses are not used by parties to create unfair competitive advantage—e.g., by staying in caucus for extended periods of time so that the other counsel/client team is deprived of time in front of the judges.
- 9.2.5. The mediators are responsible for ensuring that caucus time and conference time is used effectively.
- 9.2.6. The Client-Counsel team will each offer a brief summary of the facts and their client’s goals for the mediation after the mediators’ openings.
- 9.2.7. During the balance of the mediation, whether in caucus or conference, the counsels and clients should work together and with the mediators to achieve the clients’ goals.
- 9.2.8. The counsels and clients should act realistically and professionally in the spirit of mediation.
- 9.2.9. Counsels and clients may not bring any pre-prepared material to the mediation, other than notes for their personal use.
- 9.2.10. Only photographs or documents from the General Information may be shown to the mediator or other party during the mediation, unless the Confidential Information includes a visual aid of some kind and specifically permits the counsels and clients to use it during the mediation.

- 9.2.11. The session supervisor will keep the time of the different stages. The supervisor will give half time, 1 minute and time up warnings in the chat box. It is essential for the participants to listen to the session supervisor. Non-compliance may lead to penalty (deduction in points).
- 9.2.12. Once you have completed your mediation, the judges will then have up to 15 minutes to give you, their feedback.
- 9.2.13. Break down of total time (30 minutes + 5 minutes buffer time + 5 minutes post-mediation session) per mediating session in quarter final rounds:

Opening Statement of Co-Mediators [2 minutes each]

Mediator 1

Mediator 2

Opening Statement of Mediating Pair [5.5 minutes per pair]

Client of Party A, Counsel of Party A

Client of Party B, Counsel of Party B

Caucuses [4 minutes per pair] (Co-Mediators have the discretion)

Conferences (if reached amicable solution) [2 minutes]

Closing Statement of Counsel-Client Team [2.5 minutes each pair]

Concluding Remarks of Co-Mediators [2.5 minutes]

9.3. The semi-final round, or the mediation round, of the competition shall have the following format:

- 9.3.1. 4 teams proceed to the quarter-finals. If the mediating pair from 'Institute A' participates in session 1, the mediator from 'Institute A' shall participate in session 2. The same holds true to the remaining 3 teams (refer the schedule).

- 9.3.2. The session supervisor will keep the time of the different stages. The supervisor will give half time, 1 minute and time up warnings in the chat box. It is essential for the participants to listen to the session supervisor. Non-compliance may lead to penalty (deduction in points).
- 9.3.3. Once you have completed your mediation, the judges will then have up to 15 minutes to give you, their feedback.
- 9.3.4. Top two (02) mediators and mediating pair from the Semi-Final Rounds shall go to the Finals on the basis of Team scores.
- 9.3.5. Break down of total time (45 minutes + 5 minutes buffer time) per mediating session in semi-final rounds:

Opening Statement of Co-Mediators [4 minutes each]

Mediator 1

Mediator 2

Opening Statement of Mediating Pair [6 minutes per pair]

Client of Party A, Counsel of Party A

Client of Party B, Counsel of Party B

Caucuses [5 minutes per pair] (Co-Mediators have the discretion)

Conferences (if reached amicable solution) [5 minutes]

Closing Statement of Counsel-Client Team [3 minutes each pair]

Concluding Remarks of Co-Mediators [2 minutes]

- 9.4. The final round, or the mediation round, of the competition shall have the following format:

9.4.1. 2 teams with the highest cumulative team score (mediating pair + mediator) shall proceed to quarter-finals.

9.4.2. As the entire team participates, they will also be tested on neutrality.

9.4.3. Break down of total time (55 minutes + 5 minutes buffer time) per mediating session in the final round:

Opening Statement of Co-Mediators [4 minutes each]

Mediator 1

Mediator 2

Opening Statement of Mediating Pair [9 minutes per pair]

Client of Party A, Counsel of Party A

Client of Party B, Counsel of Party B

Caucuses [5 minutes per pair] (Co-Mediators have the discretion)

Conferences (if reached amicable solution) [5 minutes]

Closing Statement of Counsel-Client Team [5 minutes each pair]

Concluding Remarks of Co-Mediators [4 minutes]

9.4.4. The session supervisor will keep the time of the different stages. The supervisor will give half time, 1 minute and time up warnings in the chat box. It is essential for the participants to listen to the session supervisor. Non-compliance may lead to penalty (deduction in points).

9.4.5. Once you have completed your mediation, the judges will then have up to 15 minutes to give you, their feedback.

10. CLARIFICATIONS

- 10.1. The Mediation Session shall begin with the Opening Remarks of all parties. Each mediation session commences with the Co-Mediator's opening remarks. The time for opening remarks is limited to four (04) minutes for both the Mediators. The Co-Mediators decide who shall speak first or allocate between them the points to be made.
- 10.2. During the mediation session, the Mediator and the team have the right to call for a caucus (1 caucus mandatory) in accordance with the following rules:
- 10.3. During any caucus, the competition team or members of competing teams not part of the caucus shall leave the chamber. The judges, mediators and observers shall remain in the chamber.
- 10.4. Caucus shall take place between a mediator and both members of a competing team.
- 10.5. Each competing team has the right to call for caucus during mediation. Both the mediators have a right to call for caucus during mediation.
- 10.6. Competing team members who are not participating in a caucus may talk to each other outside the room during a caucus.
- 10.7. There shall be a maximum of two (02) caucuses per mediation session. The second caucus shall be subject to the approval of the judges, and shall entail a deduction in time for the closing statement of the party calling for the second caucus.
- 10.8. There may be a conference between all the parties in arriving at an amicable solution, which shall not exceed five (05) minutes in total.
- 10.9. Further, participants are to conduct themselves with the required etiquette during the span of the entire competition. Reckless or irresponsible behaviour by any of the team members of an institution may result in the disqualification of the entire team.
- 10.10. Participants shall not reveal their personal identities or that of their University to any judge or participant during the course of the competition.

10.11. Any attempt to obtain the Confidential Information shall render a team liable for immediate disqualification.

10.12. Failure to adhere to any of the time limit will result in a penalty against whomsoever the delay is attributable to. The penalty will be decided by the Judges /Organizing Committee.

11. JUDGING CRITERIA

11.1. Mediators and counsel/client teams are separately scored. In each round, the co-mediators are scored against each other and the counsel / client teams are scored against each other.

Negotiating pairs:

1. Opening Statement
2. Team Coordination
3. Knowledge of Law
4. Recognition of key issues of dispute
5. Establishment of relationship with the opposite party
6. Consideration of best interest of the party
7. Originality and workability of the suggested solution

Mediators:

1. Opening Statement of the Mediator;
2. Conduct of the joint sessions and caucus;
3. Ability to identify and formulate issues;
4. Techniques such as reframing, questioning, identifying interests and finding common ground;

5. Cooperation between mediators;
6. Control of mediation session; and,
7. Innovative option generation

11.2. The categories for judging counsel / client teams are:

1. Client's Opening Statement;
2. Counsel's Opening Statement;
3. Focus on client's interests by the counsel;
4. Respect for the settlement goal of the process;
5. Cooperative attitude between Client and counsel;
6. Client communication;
7. Overall evaluation; and
8. Innovative option generation.

12. RESULTS

12.1 Results will be announced within ninety (90) minutes after the completion of the Preliminary and Semi-Final Rounds. The final result and the winners of the various categories will be announced via mail.

13. MISCELLANEOUS

13.1. The participants would not be provided with presentation rights during their arguments for any reason.

13.2. The decision of the judge shall be final and binding.

13.3. Decisions regarding interpretation of any of the rules shall be taken by the organisers. This decision shall be final and binding on the participants.

13.4. Please follow a proper sense of fairness in competition and remember the spirit of the competition is to provide an engaging educational activity for the participants.