

TAMIL NADU NATIONAL LAW UNIVERSITY 2nd NATIONAL MED-ARB COMPETITION (NMAC)

[31st January-2nd February 2020]



RULES AND REGULATIONS

The Tamil Nadu National Law University has always considered ADR an important dispute resolution mechanism and has aimed at conditioning the law students to efficiently resolve such disputes.

In pursuance to its goal, the TNNLU through its Alternative Dispute Resolution Committee (ADRC) cordially invites all the law students to participate in its 2nd National Med-Arb Competition to be held at the TNNLU Campus from 31st January 2020 to 2nd February 2020.

This distinct hybrid of Alternative Dispute Resolution mechanism aims at nurturing the upcoming members of the Indian legal fraternity and to enable them to brace themselves for the dynamic Indian Justice System.

IMPORTANT DATES

| Events | Important Dates |
|---|-----------------|
| Commencement of Provisional Registration | 28.09.2019 |
| Deadline for Provisional Registration | 18.10.2019 |
| Release of Rules and Regulations | 03.10.2019 |
| Release of Problem | 20.10. 2019 |
| Deadline for seeking clarification on the Problem | 30.10.2019 |
| Deadline for Payment with Registration along with payment of fee and sending the soft copy of DD/ Net Bank Receipt Online | 01.11.2019 |
| Deadline for sending hard copy for registration form and DD/ Net Banking receipts | 10. 11. 2019 |
| Deadline for submitting soft copy of Arbitration Memorials | 28.12.2019 |
| Deadline for submitting hard copy of Arbitration Memorials | 22.01.2020 |
| Inauguration & Registration | 31. 01. 2020 |
| Valedictory Ceremony | 02.02.2020 |

I. BACKGROUND

This competition consists of two separate rounds of Mediation and Arbitration. The team portraying the role of Client- Counsel in the Mediation rounds will become the Counsels in the Arbitration rounds. The participant portraying the role of a Mediator in the Mediation rounds will become the Arbitrator in the Arbitration Rounds. All the participants will be judged by a separate panel of Judges in both the rounds.

II. DEFINITIONS

- a. “Clarifications” refers to procedural order(s) and/or any clarification(s) issued by ADRC.
- b. “Speaker” refers to a participant who presents oral arguments in any given round of the arbitration competition.
- c. “Oral Rounds” refers to a team’s pleadings submitted by both the speakers before the panel of arbitrators/ arbitral tribunal on behalf of one of the parties against the opponent party.
- d. “Penalty” refers to the deductions imposed on the participating team/individual in breach of any rules, as provided by ADRC.
- e. “Plagiarism” refers to the direct or substantial duplication of the work from the memorial of any other team through offline or online source(s).
- f. “Preliminary Rounds” refers to the initial oral rounds for the purpose of determining the scores and ranks of the participants based on the average scores in both mediation and arbitration competition.
- g. “Scouting” refers to the act of a person observing the sessions/oral rounds of a team other than the team he/she is a part of.
- h. “Tribunal” means a collective reference to the arbitrators present at the oral round, where an “arbitrator” is an adjudicator of the oral rounds.
- i. “Written submissions” means the written arguments submitted by each team participating in arbitration competition, according to these Rules.

III. LANGUAGE AND ELIGIBILITY

The competition will be solely conducted in English language. All the law students currently pursuing three-year LL.B. or five-year LL.B. are eligible to participate in the

competition. However, all the recognised universities are allowed to send only one team for the event.

IV. REGISTRATION PROCESS

- a. Participants shall complete their registration process by submitting the Registration form, copy of the payment receipt and other details.
- b. Payment procedure: Students shall pay before the deadline (Soft copy on or before 01/11/2019 and hard copy on or before 10/11/2019) in either of the following ways for the completion of their registration process:
 - 1) A Demand Draft of Rs. 3,500/- only drawn in favour of ‘The Registrar, Tamil Nadu National Law University’ payable at :Tiruchirappalli shall be sent to the following address:
“The Registrar, Tamil Nadu National Law University (TNNLU), Dindigul Main Road, Navalurkuttapattu, Tiruchirappalli, Tamil Nadu – 620 027.”
 - 2) Payment through NEFT and RTGS for Rs. 3,500/-:
 - ❖ Account Number: 16560110029565
 - ❖ IFSC Number: UCBA0003003
 - ❖ Account Holder Name: The Registrar, Tamil Nadu National Law University Bank
Details: UCO Bank, TNNLU Branch.

V. CLARIFICATIONS

Clarifications shall be sent to nmac@tnnlu.ac.in. The subject line should be “Clarifications: Problems or Rules”.

VI. FOOD AND ACCOMMODATION

Participants will be provided with food and accommodation facilities at the TNNLU campus from 31st January, 2020 (Morning) till 02nd February, 2020 (Night).

VII. GENERAL RULES OF THE COMPETITION

- a. Use of mobile phones, tablets, laptops or any other electronic device inside the designated rooms is strictly prohibited. Any team(s) or individual(s) caught using the abovementioned gadgets will face disqualification by the ADRC after an immediate enquiry.

- b. Scouting is strictly prohibited. Violation of this rule shall result in disqualification after an immediate enquiry.
- c. Participants shall not attend any of the sessions of other teams or individuals during the competition, or receive information from any person who has attended any previous rounds.
- d. In cases of plagiarism or any such activities, ADRC reserves the right to disqualify the team(s) after an immediate enquiry.
- e. Participants shall not reveal their identity to the panel of arbitrators/Mediators or Judges.
- f. Teams are not allowed to switch their roles during the competition. The participant portraying the role of a mediator shall be the arbitrator in the arbitration rounds and the client-counsel team in mediation round will portray the role of counsels in the arbitration rounds.
- g. If any team fails to be present for the oral rounds/mediation sessions, for more than 10 minutes even after the commencement of the session, they shall be not allowed to appear for that particular round.
- h. The ADRC shall serve as the final authority for the implementation and interpretation of these Rules and of any Supplementary Rules or clarifications. If there is any situation which is not contemplated in the rules, the ADRC's decision on the same shall be final and binding.

VIII. **DRESS CODE**

- a. Participants are required to be dressed in black and white formals throughout the competition.
- b. For Gentlemen: Western Formals (white formal shirt and black formal blazer, pants & shoes)
- c. For Ladies: Western Formals (white formal shirt and black formal blazer, pants & shoes) or Indian Formals (white kurta and black pants, blazer/waistcoat & shoes)

IX. **WRITTEN SUBMISSIONS FOR ARBITRATION ROUNDS**

- a. Structure of the Written Submissions:

i. Each participating team must prepare written submissions on behalf of the Claimant and Respondent of maximum 20 pages.

ii. All the teams are requested to send a soft copy of both the written submissions in the PDF format at

<https://forms.gle/t9bV8yLMEPVgM2CQ6>

titled “Claimant (Team Code)” and “Respondent (Team Code)”.

iii. Teams are required to submit 6 sets of written submissions from both Claimant and Respondent side. It must be printed double-sided on A4 size sheets, with an equal margin of at least one inch on all sides. It is mandatory to mention “Claimant” or “Respondent” on the cover page along with team codes mentioned at the top right corner of the page.

iv. The hard copies can be soft or spiral bound. Any changes witnessed in the hard copy vis-à-vis the soft copy will entail disqualification. The decision of ADRC will be final in this regard.

b. Format of the Written Submissions:

Each Written submission must contain all of, and only, the following components in the following order:

- Cover page;
- Table of Contents;
- Table of Abbreviations;
- Index of Authorities;
- Statement of Jurisdiction;
- Statement of Facts
- Issues Raised;
- Summary of Arguments;

- Arguments Advanced/Pleadings;

- Prayer.

- i. Text font for the Arguments Advanced and Prayer, including that of all headings and subheadings, must be Times New Roman, size 12 with 1.5 line spacing and the text must be justified.
- ii. The footnote style to be followed must be 19th Edition Blue Book Citation and text font of the footnotes must be Times New Roman, size 10 with 1.0 line spacing and the text must be justified.
- iii. There must be no additional space between two footnotes. Character spacing should not be condensed in any manner.

c. Format of the Arbitral Awards:

The arbitrators are required to draft an award, in accordance with the Arbitration and Conciliation Act, 1996 (Act) after each arbitration session. The award shall be prepared by the participants who have registered as Mediator/Arbitrator after the oral submissions of both the parties in the Arbitration Preliminary Rounds i.e. on 1st February, 2020. However, the arbitral award shall broadly contain the following (page limit 2-6 pages):

- 1) Heading
- 2) Date, Identification of the parties and method of appointment of arbitrator
- 3) Nature of award
- 4) Brief on nature of the dispute
- 5) Brief on procedure adopted
- 6) Issues of facts and law
- 7) Summary of both parties contentions
- 8) Relevant facts and laws applicable
- 9) Reasons and Conclusion
- 10) Interest and liability if, with cost
- 11) Finality and Enforceability

Note: Arbitral Award Includes an Interim Award, as defined under the Arbitration and Conciliation Act, 1996. However, unless required, Arbitrators are not expected to draft interim awards.

X. ORAL ROUNDS

a. Team composition:

Each participating team shall consist of 3 members, where 2 members shall act as a client and counsel pair and 1 member as Mediator/Arbitrator. The role of the members shall not be changed (i.e., the participant in the role of Mediator/Arbitrator shall continue to play the role throughout the competition). No team shall be accompanied by coach/Instructor.

b. Structure of the rounds:

The structure of the competition is as follows:

- Preliminary Round I
- Preliminary Round II
- Semi-Final
- Finals (Qualification to the Finals will be on a knock-out basis).

All the teams shall participate in both the sessions (a Mediation Session followed by an Arbitration session) in all the rounds (Prelims, Semi-Finals & Finals).

a) There will be two preliminary rounds for Mediation and two preliminary rounds for Arbitration.

b) The participants acting as Arbitrators for a particular session shall individually prepare an arbitral award within the allotted time after the Arbitration session.

c) Time Allotted:

i. Mediation Session – 25 Minutes + 10 Minutes Post Discussion & Evaluation

ii. Arbitration Session – 30 Minutes + 2 minutes for Rebuttals and Sur-rebuttal per team.

iii. Preparation of Arbitral Award by the Arbitrators – 45 Minutes

iv. Time allotted for the entire round – Maximum of 150 Minutes

d) A Mediation Session Comprises of:

i. Opening Statement of Mediators [2 mins]

ii. Opening Statement of Advocate-Client Team [2 mins each]

- iii. Caucuses and Conferences [15 mins]. It is the Mediators' discretion as to when to call for Caucuses or Conferences. However, there has to be at least one caucus and conference in the mediation session.
- iv. Closing Statement of Advocate- Client Teams [2 mins]
- iv. Closing Statement of Co-Mediators [2 mins]
- vi. Post-Mediation Session [3 mins each]. During this Session, the judges may ask questions to the teams.

e) Caucuses and Conferences:

- i. A caucus session will be conducted by the mediators with one Advocate - Client Team at a time in the absence of the other team. Here, the parties in the caucus session can freely share their interests, position, strategies and goals with the Mediator. Sharing of any information with any other team(s) will lead to immediate disqualification.
- ii. During the conference session, both the parties shall remain in the room and shall try to resolve the dispute through negotiation.
- f) Release of Confidential Information Confidential information for the mediation session shall be released 20 minutes prior to the commencement of the session.

XI. EVALUATION CRITERIA

a. Evaluation Criteria for the Mediator:

- Opening and Closing Statement
- Caucus conducted
- Style of reaching a settlement, if possible in the dispute
- Code of Conduct and Control of the session
- Post-session, Self-evaluation of the dispute

b. Evaluation Criteria for the Client- Counsel:

- Opening and Closing Statement
- Negotiating style and code of conduct during the Caucus.
- Negotiating style and code of conduct during the Conference
- Teamwork
- Post-session, Self-evaluation of the dispute

c. Evaluation Criteria for Arbitrators:

Evaluation criteria for the Mediator-Arbitrator will be evaluated on the basis of their performance in the preliminary rounds of both Mediation & Arbitration and scores obtained in their arbitral award.

Oral rounds:

- Efficiency in Organizing and Controlling the Process of Arbitration.
- Knowledge and application of Relevant Laws, Rules and Policies.
- Consideration and Analysis of Exhibits or any such evidences put before the Arbitrator.
- Code of Conduct as an Arbitrator (Neutrality, Independence, and Impartiality, Role of Disclosure of Information, Ensuring Fairness and Expediency, Maintenance of Confidentiality and Other Ethical Roles).

Arbitral Award:

- Structure of the Award (Compliance with the Act)
- Proper inclusion of parties, identification of issues and nature of relief sought
- Originality in presentation
- General impression and clarity of thought
- Grammar and style of presentation
- Cogent, Completeness, Certainty, Finality, Enforceability
- Knowledge of Relevant Laws and Policies

NOTE: Only notes taken by arbitrators during the course of the oral rounds shall be admitted.

d. Evaluation Criteria for Counsels in Arbitration:

Oral Rounds:

- Knowledge of Facts and evidence on record
- Proper articulation of the Issues, Knowledge of law, its interpretation and application
- Skill of advocacy, persuasiveness and response to questions
- Use of authorities and Exhibits in Persuading the Arbitrators
- General Impression and Mannerism.

e. Memorial:

- Proper inclusion of parties, identification of issues and nature of relief sought – 10 marks
- Knowledge and Application of facts and law – 15 marks
- Quality of Analysis and organization – 10 marks
- Persuasiveness of argument– 10 marks
- Use of authorities and Exhibits/any such evidences – 15 marks
- Proper citation and correct format – 10 marks

- Originality in presentation – 10 marks
- General impression and clarity of thought – 10 marks
- Grammar and style of presentation - 10 marks

XII. PENALTIES

| S.No | Contravention | Penalty |
|-------------|--|--|
| a) | Sharing/discussing confidential information with other participants. | Disqualification from the competition. |
| b) | Breaching memorial anonymity. | Disqualification from the competition. |
| c) | Incorrect or inadequate order of contents required. | 1 mark each. |
| d) | Incorrect formatting of the main content or footnotes in the memorial. | 0.5 mark each. |
| e) | Exceeding the page limit of the main content | 1 mark per page. |
| f) | Incorrect or inadequate information/ Formatting of the cover page. | 2 marks. |
| g) | Scouting. | Disqualification. |
| h) | Usage of Internet during the session or for confidential information | Disqualification from the competition. |

XIII. AWARDS

Participation certificates will be given to all the participants. Following awards will be distributed during the valedictory ceremony:

1. Best Med-Arb Team: Rs. 15,000
2. First Runners-up team: Rs. 10,000
3. Best Mediator-Arbitrator: Rs. 8,000

