



CHRIST
(DEEMED TO BE UNIVERSITY)
BANGALORE • INDIA

1ST **NATIONAL ONLINE** **MED-ARB** **COMPETITION**



RULES

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I.BACKGROUND

- School of Law, CHRIST [Deemed to be University], is a premier educational institution embodying a strong motive of service and excellence as a part of its commitment. The Alternative Dispute Resolution Board (“ADR Board”) aims at promoting and providing learning opportunities to experience the various alternative means of dispute resolution within the legal system. The Board is committed to conducting several events in order to provide the student community with the necessary exposure to deal with aspects concerning Arbitration, Mediation, Negotiation, Conciliation etc. The Board also aspires to spread the knowledge and benefits of resorting to ADR mechanisms. The Mediation-Arbitration (“Med Arb”) Competition is conducted with the aim of making the student fraternity accustomed to resolving disputes efficiently and to understand the benefits of the ADR mechanisms.
- In fulfilment of such goals, School of Law, CHRIST, through its ADR Board cordially invites law students to participate in its 1st National Online Med-Arb Competition (NOMAC) to be conducted from 30th October, 2020, to 1st November, 2020.
- Med-Arb is a distinct hybrid of Alternative Dispute Resolution mechanisms which aims at developing the future members of the legal fraternity with efficient methods of resolving disputes in the legal arena.

II.REGISTRATION PROCESS

- All interested participants must register on or before the 10th of October, 2020. The Problem shall be released on or before 29th of September, 2020, and all written submissions must be made on or before 28th of October, 2020.

III.TEAM COMPOSITION AND FEE DEATILS

• Composition of the Team:

Each participating team shall consist of 3 members. Each team in the Mediation Round(s) shall play the role of a Client and Advocate pair and 1 member as a Mediator. The team, in the Arbitration Round(s) shall constitute of 2 Counsels and 1 member as an Arbitrator (The Client-Advocate Team in the Mediation Round shall act as a pair of Counsels in the Arbitration Round and the Mediator in the Mediation Round shall act as an Arbitrator in the Arbitration Round). The roles of the members shall not be changed throughout the competition. No team shall be accompanied by a coach or an instructor.

• Nature of the Competition:

All the teams shall participate in both the sessions (a Mediation Session followed by an Arbitration Session) in all the rounds (Prelims, Quarters, Semi-Finals & Finals). There will be a total of 20 teams who will be invited from leading law schools in India.

- **Structure of Rounds:**

- Preliminary Round: All Competing Teams.
- Quarter-Finals: Top 8 teams qualifying from Preliminary Rounds.
- Semi-Finals: Top 4 teams qualifying from the Quarter-Final Rounds.
- Finals: Top 2 teams qualifying from the Semi-Final Rounds.

IV.CODE OF CONDUCT

The official language of the Competition shall be English. The Participating Teams should mention only their allotted Team Codes for the purpose of communication with Judges/Organizers. The identity of the Participating Team or Members or the name of their College/University shall not be disclosed to any other person during the course of the Competition in any form, whether directly or indirectly. In addition, sporting any visible or distinguishable badges/ card/ uniform by any participant which provides an opportunity of inferring/ disclosing their identity or the identity of the Law College/ University being represented, is strictly forbidden.

- **Anti-Scouting:**

- The teams shall uphold the integrity of the Competition at all times and any form of scouting, disclosure of confidential information or any other unethical/unprofessional conduct is strictly barred; the practice of the same shall result in immediate disqualification of the team. Any attempt to obtain confidential information or any other information from the other parties or participants, which may give the team an unfair advantage in the competition, will result in immediate expulsion of the team and blacklisting of the college being represented.
- Participating Teams will not be allowed to observe the Sessions of any other team(s) taking part in any event excluding the Final Rounds of the Event. During the Final Rounds, all participants attending the Rounds must remain on mute with the video being turned off throughout the event. Non-compliance of the abovementioned will result in strict action.
- Scouting shall result in immediate disqualification and any decision taken by the ADR Board in consonance with the ADR Board Faculty Coordinators in this regard shall be final and binding upon the Participating Team(s).

The use of any electronic gadgets, other than the laptop used by the participant, is strictly prohibited during the rounds and the same may lead to disqualification of the teams. Participants must inform the Organisers of the primary device they are using and shall also notify the organisers regarding the secondary device they might use in case of network or connectivity issues. In case a participant wants to use a mobile phone, prior permission of the ADR Board is mandated. If a participant fails to comply with the abovementioned rule, he or she shall be disqualified.

V.DRESS CODE

- All the participants are to adhere to Western Formals style of dressing. The ADR Board reserves the right to disqualify any team for misconduct during the competition. In case of doubts, the decision of the Student Conveners and the Faculty Coordinators of the Board shall be final.

VI.MEDIATION SESSION

- **Structure of Rounds:**
 - A Mediation Session will consist of 2 Co-Mediators and 2 Client-Advocate teams from different teams. One team will represent the Requesting Party, while the other team will represent the Responding Party. In a team, the Client-Advocates of the Mediation Round(s) become Counsels for the Arbitration Round(s). The Mediator becomes the Arbitrator subsequent to the Mediation Round, for the Arbitration Round.
 - The Client-Advocate Team will represent the side allocated to them by the Organising Committee by virtue of draw of lots. The sides shall be intimated to the participants via email.

Illustration

In a particular court hall, Team 'A' Client-Advocate act as Requesting Party in Mediation and Team 'B' Client-Advocate act as Responding Party in a Mediation, compete against each other. Co-Mediators/ Arbitrators from Team 'C' and Team 'D' respectively, will act as Co-Mediators for Team 'A' and Team 'B' in the court hall.

- **Release of Confidential Information**

Confidential information for each Mediation round shall be released 45 minutes before the Mediation session, after which the Arbitration session shall be conducted. Assessors and Participants are strictly instructed to keep the contents of the Confidential Information exclusively to themselves. Any violation of this rule, shall result in immediate disqualification. The discretion of the ADR Board, in this matter, shall be final.

- **Caucus**

Mediators will have the opportunity to call for one or multiple Caucuses during each Mediation Session. A Caucus, throughout the round, may last a maximum of 9 minutes. It is the discretion of the Mediators to call for a Caucus. While one team is participating in the Caucus, the other team will be asked to leave the virtual Court Hall by a member of the Organising Committee (OC) of the ADR Board for a specific period of time, after which they will be requested to join the call again. The Team that is not a part of the caucus must not disturb the other team during their caucus and this shall be strictly monitored by the ADR Board OC Member. Any violation will lead to negative marking. The ADR Board Member's call in consultation with the Student Conveners shall be final and binding in this regard.

- **Time Allotment**

Meditation Session: 33 minutes + 2 Minutes for post discussion and evaluation

- Opening Statement of Mediators (2 Minutes each)
- Opening Statement of Client-Advocate Team (2 Minutes each)
- Caucuses and Conference (18 minutes)
- Closing Statement of Client-Advocate Teams (2 Minutes each)
- Closing Statement of Co-Mediators (3 Minutes)
- Post- Mediation Session (2 Minutes)

Note: There will be a 5 minutes break in between the Mediation Session and the Arbitration Session during which teams are required to prepare for the forthcoming Round of Arbitration.

VII.ARBITRATION SESSION

- **Structure of Rounds**

An Arbitration Session shall include 2 Co-Arbitrators, 4 Counsels (2 from either side). One team shall be representing the Requesting party, while the other team will be representing the Responding Party. The Mediators of the Mediation Session will play the role of Arbitrators. Participants may be required to deal with certain designated issues during the rounds. The participants must nevertheless be prepared with the entire case.

The Two Counsels will represent the same side as designated to them in the Mediation Session, in the Arbitration Session as well.

Illustration

Client-Advocate of Team 'A' and Team 'B' representing a particular party in the Mediation Session will act as the advocates for the same party in the Arbitration Session and the respective Co-Mediators from Team 'C' and Team 'D' will act as Co-Arbitrators for the Arbitration Session.

- **Time Allotment**

- Arbitration Session: 30 Minutes + 5 minutes for Rebuttals and Sur- Rebuttals
- Time allotted for preparation of Arbitral Awards by Arbitrators: 60 Minutes.
- Each Party will not be permitted to speak for more than 15 minutes. The time split among the speakers for each team (not exceeding 15 minutes per team) may be decided amongst themselves and intimated to the Court Clerk at the beginning of the Round.

Kindly note: The participant acting as an Arbitrator for a particular session shall be asked to individually prepare an Arbitral Award within the time allotted for the Arbitral Award drafting session following the Preliminary Rounds. The participant will not be required to draft Arbitral Awards for the following rounds of the Competition.

- **Written Submissions for Arbitration Session**

- Teams are required to draft written submissions for the Requesting Party as well as the Responding Party. The last date for the submission of written submissions is the 28th October, 2020.
- All the participants are requested to submit a soft copy of both the written submissions in PDF and Word format to adrboard@law.christuniversity.in

Format and templates for the written submissions (memorial) will be shared to all selected teams via email.

VIII. GUIDELINES FOR WRITTEN SUBMISSIONS

Each Participating Team shall prepare written submissions on behalf of the Requesting Party and Responding Party for maximum of 25 pages.

Any changes made to the soft copies after the submission date and subsequently produced during the rounds will be disqualified. The decision of the Student Convenors and the Faculty Coordinators of the ADR Board would be final in this regard.

- **Format of Submission**

Each of the written submission should contain all of, and only, the following components in the following order:

- a. Cover page
- b. Table of Contents
- c. Index of Authorities
- d. Statement of Jurisdiction
- e. Statement of Facts
- f. Issues Raised
- g. Summary of Arguments
- h. Arguments Advanced/ Pleadings
- i. Prayer

The page must have 1-inch margins from all sides. The text font and size for the written submissions must be Times New Roman, size 12 with 1.5 line spacing with justified alignment for the text. The footnote style to be followed is the 20th Edition Bluebook Citation and the text font of the footnotes must be Times New Roman, size 10 with 1.0 line spacing, margin of 1-inch to be used and the text must be justified. There must be no other additional space between two footnotes. Character spacing should not be condensed in any manner.

- **Format of Arbitral Award**

The participants who are acting as arbitrators are required to draft an award, in accordance with the Arbitration and Conciliation Act, 1996. The award shall be prepared after the oral submission of parties in the Preliminary Round only. The Arbitration Award should not exceed 6 pages and should broadly contain the following:

- a. Heading
- b. Date, Identification of the Parties and Method of Appointment of Arbitrator
- c. Nature of Award
- d. Brief on Nature of the Dispute
- e. Brief on Procedure Adopted
- f. Issues of Facts and Law
- g. Summary of both the Parties
- h. Relevant Facts and Laws Applicable
- i. Reasons and Conclusion
- j. Interest and Liability if applicable, with cost mentioned
- k. Finality and Enforceability

The page must have 1-inch margins from all sides. The text font and size for the written submissions must be Times New Roman, size 12 with 1.5 line spacing and the text must be justified. The footnote style to be followed is the 20th Edition Bluebook Citation and text font of the footnotes must be Times New Roman, size 10 with 1.0 line spacing, a page margin of 1 inch on all sides must be maintained, the text must be justified. There must be no other additional space between two footnotes. Character spacing should not be condensed in any manner.

Note: Arbitral Award includes an Interim Award as defined in the Arbitration and Conciliation Act, 1996. However, unless required, Arbitrators are not expected to draft Interim Awards.

- **Time Keeping**

- The Organising Committee Member supervising the virtual session shall be the official timekeeper. Teams have the responsibility to adhere to the time limit. Participants must note that they can only speak for the allotted time limit, as mentioned above. The Organising Committee member shall notify teams through the 'chat' option, the remaining time during the round.

Judges will be advised to not give any additional time and hence participants must adhere to the time-split mentioned for the respective rounds. If there are network issues, OC members shall pause the time until the Participant re-joins the call. During the rounds, if participants face an issue with internet connectivity, they will be allowed to join the Virtual Room again. The timekeeper will stop the time and ensure that the rounds will restart only after the said participant joins the call. Participants shall be allowed two such instances of re-joining, after which points shall be deducted for every time the Team loses connectivity.

If such disconnection hampers the conduct of the rounds, the team(s) shall be deemed to be disqualified according to the prerogative of the Student Convenors and Faculty Coordinators of the ADR Board.

- **Assistance during Sessions**

Due to the limitations that the Virtual Platform carries, it is advised to all Participating Teams to not use any assistance from coaches or other members of the Team during the sessions. A buffer period of 2 minutes shall be given to participants to join the specified virtual rooms. Repeated acts of delay or long delays shall result in disqualification. The discretion of the reduction of points shall lie with the expert assessors. Any point reduction(s) and/or disqualification of the Team is final and not subject to appeal.

IX. MARKING CRITERIA

- **Mediation Rounds**

MARKING CRITERIA FOR MEDIATORS:

CRITERIA OF EVALUATION	MAXIMUM MARKS	MARKS ALLOTTED
Opening Statement	10	
Establishing Professional Relationship with parties	10	
Identifying Key Issues of the Dispute	10	
Understanding the Needs and Interest of the Parties	10	
Propose Creative Settlement Possibilities	10	
Ability to Contribute to an Effective Process and Outcome	10	
Effective use of Conference and Caucus	10	
Closing Statement	10	
Post session, Self-Evaluation of the dispute	10	
Code of Conduct and Control of the Session	10	
Total	100	

MARKING CRITERIA FOR CLIENT:

CRITERIA OF EVALUATION	MAXIMUM MARKS	MARKS ALLOTTED
Advocate Opening Statement	10	
Team work between Advocate and Client	10	
Caucus	10	
Conference	10	
Willingness to reach and amicable solution	10	
Strategic use of facts and Confidential Information	10	
Advocating Client's Interest	10	
Relationship Building and Problem Solving	10	
Closing Statement	10	
Post session, self-evaluation of the dispute	10	
Total	100	

MARKING CRITERIA FOR ADVOCATE:

CRITERIA OF EVALUATION	MAXIMUM MARKS	MARKS ALLOTTED
Advocate Opening Statement	10	
Team work between Advocate and Client	10	
Caucus	10	
Conference	10	
Willingness to reach and amicable solution	10	
Strategic use of facts and Confidential Information	10	
Advocating Client's Interest	10	
Relationship Building and Problem Solving	10	
Closing Statement	10	
Post session, self-evaluation of the dispute	10	
Total	100	

- Arbitration Rounds

MARKING CRITERIA FOR ADVOCATES:

CRITERIA OF EVALUATION	MAXIMUM MARKS	MARKS ALLOTTED
Knowledge of Facts and Evidence on record	10	
Proper Articulation of the Issues	10	
Knowledge of Law	10	
Interpretation and Application	10	
Skill of advocacy	10	
Persuasiveness and Response to questions	10	
Use of authorities in Persuading arbitrators	10	
General Impression and Mannerism	10	
Identification of Issues	10	
Nature of relief sort	10	
Total	100	

MARKING CRITERIA FOR ARBITRATORS

ORAL ROUNDS

CRITERIA OF EVALUATION	MAXIMUM MARKS	MARKS ALLOTTED
Efficiency and controlling the process of arbitration	10	
Knowledge of laws	10	
Consideration and Analysis of Exhibits or any such evidences put before the Arbitrator	10	
Code of Conduct of Arbitrator	10	
Application of rules and policies	10	
Total	50	

ARBITRAL AWARD

CRITERIA OF EVALUATION	MAXIMUM MARKS	MARKS ALLOTTED
Structure of the Award	10	
Cogent, Completeness, Certainty, Finality and Enforceability	10	
Identification of issues and nature of relief sought	10	
Originality in Presentation	10	
Grammar and style of Presentation	10	
Total	50	

X.SCORING CRITERIA

1. For Mediators/ Arbitrators

The average of scores obtained in the Mediation and Arbitration rounds shall be considered for qualification of teams to subsequent rounds.

Marking format shall be as follow: -

A. Mediation Round (Mediator): According to the marking criteria mentioned in Clause II.

B. Arbitration Round (Arbitrator): Marks obtained on 50 for the Arbitral Award (this shall be carried forward for all progressive rounds) + 50 marks from oral rounds of each Arbitration session.

Average score obtained from the scores of A & B, shall be used to arrive at the final score.

2. For Client-Advocate (also acting as Counsel-Counsel for Arbitration)

The average of scores obtained in both, Mediation and Arbitration rounds, shall be considered for qualifying to subsequent rounds. The marking criteria shall be as stated in Clause II.

3. Best Arbitral Award

The Best Arbitral Award shall be given to the highest scoring Arbitral Award amongst all the awards drafted during the Preliminary Round.

4. Best Preliminary Team

The highest scoring team from the Preliminary Rounds of both, Mediation and Arbitration, shall be adjudged as the Best Preliminary Team. The average of all the scores obtained, by the three members of a team, shall be calculated for this purpose.

5. The following awards shall be given to the teams participating in the Final Rounds:

a. Best Mediator / Arbitrator – the highest of average scores obtained for Mediation and Arbitration in Final Rounds shall be considered. Similar form of scoring as stated in Clause 12(1) will be followed.

b. Second Best Mediator / Arbitrator – the second highest score among the average scores obtained for Mediation and Arbitration in Final Rounds shall be considered. Similar form of scoring as stated in Clause 12(1) will be followed.

c. Best Med-Arb Client Advocate Team – The highest team score obtained after taking the average scores of both the sessions, Mediation and Arbitration, in the Final Rounds shall be considered. Similar form of scoring as stated in Clause 12(2) will be followed.

d. Second Best Med-Arb Client Advocate Team – The second highest team score obtained after taking the average scores of both the sessions, Mediation and Arbitration, in the Final Rounds shall be considered. Similar form of scoring as stated in Clause 12(2) will be followed.

6. Best Memo

The average score of both the memorials submitted shall be considered for the award of Best Memo.

XI. PENALTIES

If Participating Teams are found acting contrary to the rules of the competition, then the following action will be taken-

S.No	CRITERIA	PENALTY
a.	Sharing/Discussing the confidential Information	Disqualification from Competition
b.	Breaching Memorial Anonymity	Disqualification from Competition
c.	Incorrect/ Inadequate order of contents required	2 Marks each
d.	Incorrect Formatting in Footnotes or Main content in memorial	1 Mark each
e.	Exceeding the page limit of main content	2 Marks per page
f.	Incorrect or Inadequate Information / Incorrect formatting of cover page	2 Marks

XII.AWARDS

Participation Certificate will be given to all the participants. Finalists, Semi Finalists and Winners will receive Certificates of Appreciation. Following awards will be distributed during the Valedictory ceremony:

- Best Preliminary Med-Arb Team
- Best Mediator/Arbitrator
- Second Best Mediator
- Best Med-Arb Client Advocate Team
- Second Best Med Arb Client Advocate Team
- Best Arbitral Award
- Best Memorial

XIII.CLARIFICATIONS

- For any clarifications, regarding the problem or the conduct of the competition, teams are requested to mail their queries and concerns to the ADR Board at: adrboard@law.christuniversity.in by 15th October 2020

XIV.GRIEVANCE REDRESSAL

- All grievances are to be addressed to the ADR Board by sending an email to the ADR Board (adrboard@law.christuniversity.in) within one hour of the occurrence of the dispute/grievance. Non-compliance with this requirement will amount to a waiver of the dispute and subsequent filing of such grievance, post the time allotted, will not be entertained. Decisions on all grievances shall be taken by the Student Conveners and the Faculty Coordinators of the ADR Board and such decisions shall be final and binding on all participants.

XV.AMENDMENTS MADE TO THE POLICY

- All participants must take note of the fact that the ADR Board holds the power to make amendments to this Policy, from time to time. It is the duty of the participants to remain informed of the updated Policy of the Board. The decision of the Student Conveners, along with the advice of the Faculty Coordinators of the ADR Board, shall be final and binding for matters not mentioned in the Policy.

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