

**TAMIL NADU NATIONAL  
LAW UNIVERSITY  
3<sup>RD</sup> NATIONAL  
MED-ARB COMPETITION  
(NMAC)**

**4 June 2021 – 6 June 2021**



## **RULES AND REGULATIONS**

The Tamil Nadu National Law University (TNNLU) has always been passionate about fostering ADR culture in its law students and has considered ADR mechanisms important methods of dispute resolution.

In pursuance of its goal of conditioning the law students to efficiently resolve disputes, the Tamil Nadu National Law University through its Alternative Dispute Resolution Committee (ADRC) cordially invites law students from across the country to participate in its 3rd National Med-Arb Competition to be held through the virtual mode from 4th June, 2021 to 6th June, 2021.

This distinct hybrid of Alternative Dispute Resolution mechanism aims to nurture the future members of the Indian legal fraternity by enabling them to face the dynamic Indian Justice System.

## **IMPORTANT DATES**

<b>Events</b>	<b>Important Dates</b>
Commencement of Provisional Registration	26.03.2021
Release of Rules and Regulations	11.04.2021
Release of Problem	24.04.2021
Deadline for Seeking Clarifications	28.04.2021
Deadline for Provisional Registration	30.04.2021
Release of Clarifications	01.05.2021
Release of Selected Teams	02.05.2021
Deadline for Registration along with Payment of Fees and Email of Proof of Payment	08.05.2021
Deadline for Submitting Soft Copy of Arbitration	26.05.2021
Inauguration	04.06.2021
Valedictory Ceremony	06.06.2021

## **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. “Competition” refers to the 3rd TNNLU National Med- Arb Competition, 2021.
- c. “Competition Room” refers to the online meeting room on the Cisco WebEx Platform that shall be used for conducting the Competition rounds.
- d. “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.
- e. “Penalty” refers to the deductions imposed on the participating team/individual in breach of any rules, as provided by ADRC.
- f. “Plagiarism” refers to the direct or substantial duplication of the work from the memorial of any other team through offline or online source(s).
- g. “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.
- h. “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.
- i. “Selected Team” refers to Applicant Teams selected to participate in the Competition Rounds of TNNLU Med-Arb 2021, who have completed the Final Registration and paid the Registration Fees.
- j. “Session Supervisor” refers to member/s of TNNLU designated as such, in charge of overseeing the smooth conduct of every Competition Session.
- k. “Speaker” refers to a participant who presents oral arguments in any given round of the arbitration competition.
- l. “Tribunal” means a collective reference to the arbitrators present at the oral round, where an “arbitrator” is an adjudicator of the oral rounds.
- m. “Written submissions” means the written arguments submitted by each team participating in an arbitration competition, according to these Rules.

### **III. LANGUAGE AND FLEXIBILITY**

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. APPLICATION AND REGISTRATION PROCESS**

- a. Provisional Registration by interested universities must be done by way of filling of the Google Form, on or before 11.59PM 10th April, 2021.
- b. For the Selection Process, The Organising Committee, will shortlist a total of 16 Teams out of all the Applicant Teams that have successfully completed the Application by the abovementioned deadline.
- c. The Organising Committee shall shortlist the teams based on the credentials mentioned in the Provisional Registration Form. The decision of the Organising Committee shall be final. The names of the Selected Teams will be communicated to them through email on 20th April 2021.
- d. Final registration shall be done by the Participating team by submitting the Registration form and sending proof of payment to nmac@tnnlu.ac.in. The deadline for payment and final registration is 25th April, 2021.
- e. Payment procedure: Teams shall pay a registration fee of Rs. 3,500/- before the deadline mentioned above through NEFT mode. Details of the account shall be notified to selected teams.

Note: In the event of a selected Team forfeiting its participation, the Organising Committee may, entirely within its discretionary power, replace the said Selected Team and offer participation to any other Applicant Team which has successfully completed its Application.

## **V. CLARIFICATIONS**

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

## **VI. GENERAL RULES OF THE COMPETITION**

- a. Scouting is strictly prohibited. Violation of this rule shall result in disqualification after an immediate enquiry. 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.
- b. In cases of plagiarism or any such activities, ADRC reserves the right to disqualify the team(s) after an immediate enquiry.
- c. Participants shall not reveal their identity to the panel of arbitrators/Mediators or Judges.
- d. 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 the mediation round will portray the role of counsels in the arbitration rounds.
- e. 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. Teams are requested to ensure they have proper internet connectivity before they appear for the competition rounds.
- f. The ADRC shall serve as the final authority for the implementation and interpretation of these Rules and of any Supplementary Rules or clarifications.
- g. If there is any situation which is not contemplated in the rules, the ADRC’s decision on the same shall be final and binding.

## **VII. DRESS CODE**

Participants are required to be dressed in black and white formals during their rounds in the competition.

## **VIII. WRITTEN SUBMISSIONS FOR ARBITRATION ROUNDS**

### **a. Submission of the written submission**

- 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 titled “Claimant (Team Code)” and “Respondent (Team Code)” before 11.59PM on 26th May, 2021.

### **b. Structure of the Written Submissions:**

- i. 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.

### **c. Format of Written Submissions**

- 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 20th Edition Bluebook Citation and the 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.

Note: The Memorial scores will be taken into consideration while selecting the teams qualifying to the Semi Finals. The qualification from the Semi Finals to the Finals will be on Knock Out basis.

**d. 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. However, the arbitral award shall broadly contain the following (page limit 2-6 pages):

- Heading
- Date, Identification of the parties and method of appointment of arbitrator
- Nature of award
- Brief on nature of the dispute
- Brief on procedure adopted
- Issues of facts and law
- Summary of both parties contentions
- Relevant facts and laws applicable
- Reasons and Conclusion
- Interest and liability if, with cost
- 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.

## **IX. ORAL ROUNDS**

### **a. Team composition:**

- i. Each participating team shall consist of 3 members - 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 a Coach/Instructor.

### **b. Structure of the Rounds:**

- i. The structure of the competition is as follows
  - Preliminary Round I
  - Preliminary Round II
  - Semi-Final (Qualification to the Semi Finals will be on basis of average of Oral rounds and Memorial Submission Scores for the Client Counsel and Oral rounds and Arbitral Award for the Mediator-Arbitrator)
  - Finals (Qualification to the Finals will be on a knock-out basis).
- ii. 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).
  - There will be two preliminary rounds with each round consisting of a Mediation session followed by an Arbitration session.
  - The participants acting as Arbitrators for a particular session shall individually prepare an arbitral award within the allotted time after the Arbitration session.
  - Time Allotted:
    - Mediation Session – 30 Minutes + 5 Minutes Post Discussion & Evaluation
    - Arbitration Session – 30 Minutes + 2 minutes for Rebuttals and Sur-rebuttal per team.



- Preparation of Arbitral Award by the Arbitrators – 45 Minutes
- Time allotted for the entire round – Maximum of 150 Minutes

**c. A Mediation Session Comprises of:**

- i. Opening Statement of Mediators
- ii. Opening Statement of Advocate-Client Team
- iii. Caucuses and Conferences
  - A caucus may be called by either party or the mediator. Each party can call for a maximum of one caucus session.
- iv. Closing Statement of Advocate- Client Teams.
- v. Closing Statement of Co-Mediators.
- vi. Post-Mediation Session
  - During this Session, the judges may ask questions to the teams.

**d. 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. It is not mandatory to conduct a caucus session during the rounds. A caucus may be called by either party or the mediator, and no party can call for more than one caucus session during the mediation session.
- ii. During the conference session, both the parties shall remain in the room and shall try to resolve the dispute through negotiation.

**e. Release of Confidential Information:**

- a. Confidential information for the mediation session shall be released 20 minutes prior to the commencement of the session.

## **X. EVALUATION CRITERIA**

### **a. Evaluation Criteria for the Mediator**

- i. Opening Statement
- ii. Establishing Working Atmosphere
- iii. Mediation Process
- iv. Effective Communication and Mediation Skills
- v. Profiling Parties Interests
- vi. Comprehending Party's Apprehension
- vii. Eliciting Information
- viii. Facilitating Option Generation
- ix. Sensitivity to ethical and cross cultural issues
- x. Closing Statement

### **b. Evaluation Criteria for the Client-Counsel**

- i. Opening Statements
- ii. Relationship-building and Problem Solving
- iii. Advocating Interests
- iv. Information Gathering
- v. Mutually Generating Creative Options
- vi. Collaborating with the Other party
- vii. Teamwork and Coordination
- viii. Use of Mediator
- ix. Effective Negotiation Skills
- x. Negotiation Strategy

### **c. Evaluation Criteria for Arbitrators**

- i. 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 evidence 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).

ii. **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

**d. Evaluation Criteria for Counsels in Arbitration**

i. **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**

- i. Proper inclusion of parties, identification of issues and nature of relief sought – 10 marks
- ii. Knowledge and Application of facts and law – 15 marks
- iii. Quality of Analysis and organization – 10 marks
- iv. Persuasiveness of argument– 10 marks
- v. Use of authorities and Exhibits/Other relevant evidence – 15 marks
- vi. Proper citation and correct format – 10 marks
- vii. Originality in presentation – 10 marks
- viii. General impression and clarity of thought – 10 marks
- ix. Grammar and style of presentation - 10 marks

## **XI. PENALTIES**

- a. Any violation of the rules will be penalized by the Organizing Committee, either by way of deduction of points or by disqualifying the whole Team from the Competition.
- b. Non-compliance with the instructions of a Session Supervisor by the member/s of any Selected Team shall result in a penalty, which will be decided by the Judges assessing the respective Main Round.
- c. Any Penalty for any violation of the rules may be imposed on Teams by the Organizing Committee. The concerned Team will be given a fair chance to show cause why penalty should not be imposed on it. The decision of the Organizing Committee shall be final.

## **XII. AWARDS**

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

- a. Winners, Client-Counsel: Rs. 16, 000
- b. Best Mediator-Arbitrator: Rs. 8, 000
- c. Runners Up, Client- Counsel Pair: Rs, 12, 000
- d. Runners Up, Mediator-Arbitrator: Rs. 6, 000
- e. Best Client-Counsel Team from Preliminary Rounds: Rs. 6, 000
- f. Best Mediator-Arbitrator from Preliminary Rounds: Rs. 3, 000
- g. Best Memorial: Rs. 7, 000
- h. Best Arbitral Award (Preliminary Rounds): : Rs. 5, 000

## **XIII. CONTACT PERSONS**

For any queries, feel free to drop us an email at [nmac@tnnlu.ac.in](mailto:nmac@tnnlu.ac.in) or contact the following members of the ADRC, TNNLU.

Faculty In-charge: Ms. Mrinmoyee Mukherjee ([m.mukerjee@tnnlu.ac.in](mailto:m.mukerjee@tnnlu.ac.in))

Student Co-Ordinators:

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