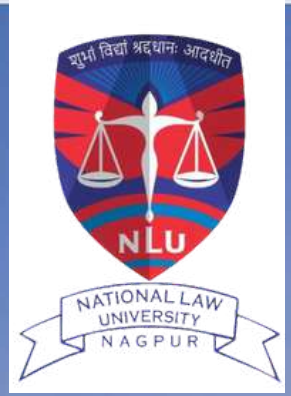


MAHARASHTRA NATIONAL LAW
UNIVERSITY, NAGPUR

1ST MNLU-N
NATIONAL
COMMERCIAL
MEDIATION
COMPETITION, 2023

(VIRTUAL)

APRIL 14-16, 2023



RULEBOOK

Organized by

Alternative Dispute Resolution Society

&

Centre for Intellectual Property Rights & DPIIT- IPR Chair

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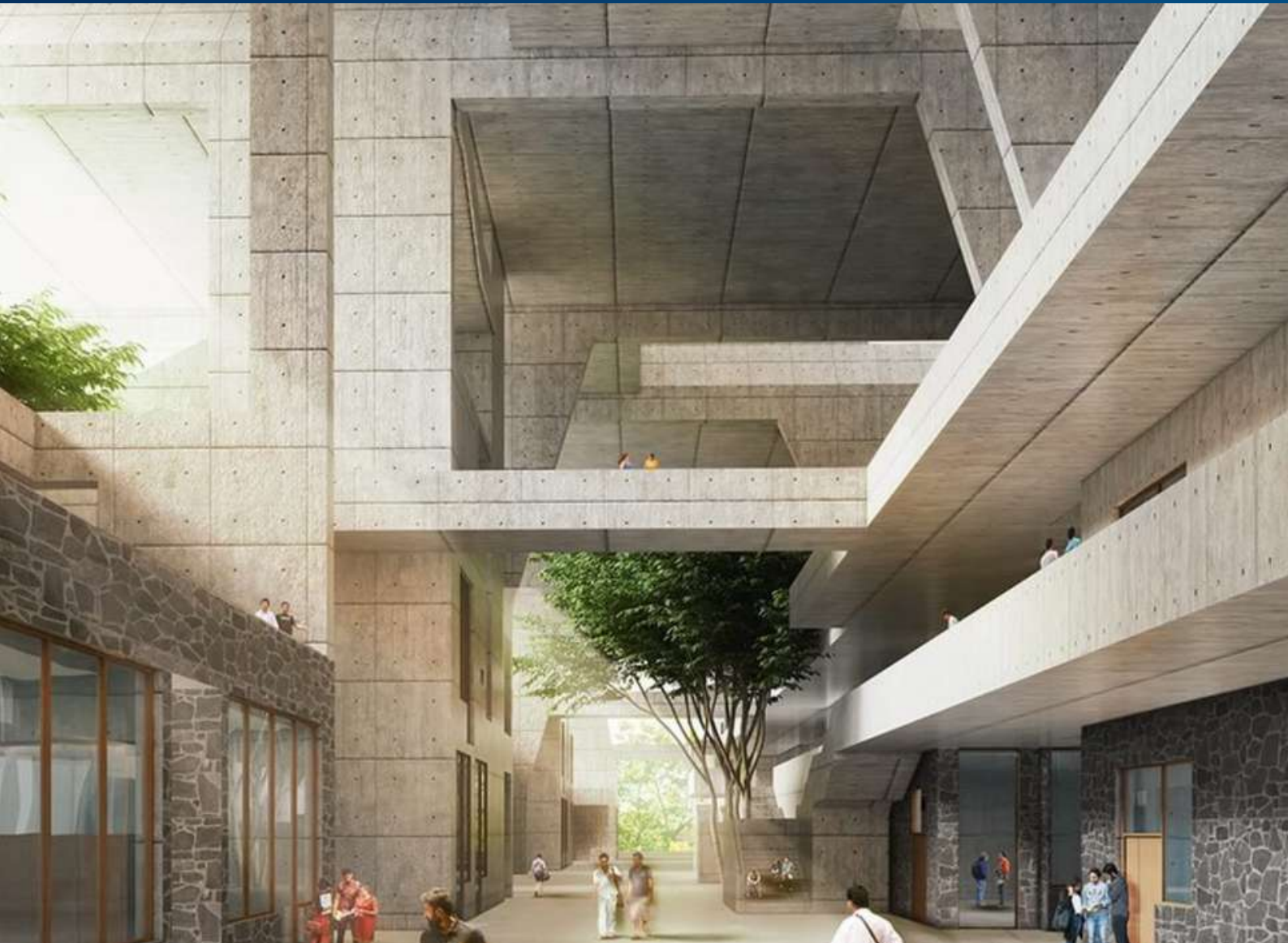
MEDIA PARTNER

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GENERAL

- 1.The 1st MNLU Nagpur National Commercial Mediation Competition, 2023 [hereinafter referred to as “Competition”] shall be hosted by Maharashtra National Law University, Nagpur [“MNLUN”], from April 14-16, 2023.
- 2.These rules will be called the “Competition Rules” and shall be applicable on all the participating teams.
- 3.The Competition shall be held in an online mode on Cisco Webex platform.



DEFINITIONS

For the purpose of the rules for this competition, the following words and expressions are used in the following senses, unless otherwise intended or expressed by the Organisers in the course of the competition:

1. "ADR Society" refers to the ADR Society of the Maharashtra National Law University, Nagpur.
2. "Advanced Rounds" shall refer to the Quarter-Finals, Semi-Finals, and Final Round of the Competition.
3. "Caucus" shall mean a private session that may be called by a Negotiating Team or by the Mediators.
4. "Competition" shall mean the 1st Maharashtra National Law University, Nagpur National Commercial Mediation Competition, 2023.
5. "Competition Rules" shall mean these rules of this Competition.
6. "Confidential Information" or "CI" shall mean certain factual information in relation to a Competition Problem that is provided exclusively to only one party.
7. "Competition Problem" shall mean any problem framed and circulated by the ADR Society for use in any rounds.
8. "Eligible Team" shall mean any team comprising three members, currently enrolled in a 5 Year or 3 Year law degree course in the same Institution at the time of the Competition.
9. "General Information" shall mean factual information with respect to a Mediation Proposition that has been provided to both parties for any round.
10. "Host Institution" shall mean Maharashtra National Law University, Nagpur.

11. "Joint Session" shall mean a session in which both the negotiating teams along with the mediators shall be present and negotiating during a round.
12. "Judge" shall mean any qualified individual nominated by the ADR Society to assess and rate the efficacy of the Negotiating Team and the Mediator(s) in a mediation session, in compliance with the rules and regulations governing the Competition.
13. "Negotiating Team" shall mean the Client & Counsel of any Eligible Team.
14. "Mediator" shall mean the member of any Eligible Team, who is designated as a mediator for the Competition.
15. "Participating Team" shall mean any Eligible Team which has completed the Final Registration of the Competition.
16. "Penalty" shall include the deduction in marks or disqualification of participants or any other disciplinary action taken by the Organisers on the account of any violation of these rules.
17. "Problem Statement" shall refer to the Competition Problem and Confidential Information in its entirety.
18. "Registration Fee" refers to the fee to be paid by Selected Teams for participation in the Competition.
19. "Session Manager" refers to a member(s) of the Host Institution designated as such, in charge of overseeing the smooth conduct of a particular competition round.
20. "Organisers" shall mean the ADR Society of Maharashtra National Law University Nagpur.
21. "Team Code" shall mean the unique identification number that will be provided to the participating team upon final registration.

ELIGIBILITY & COMPOSITION OF TEAMS

1. Any university/institution which imparts a 5-year or 3-year LLB course and is recognized by the Bar Council of India shall be eligible to participate. It is clarified that all the team members must be from the same university/institution. Cross-teams will not be allowed to participate in the Competition.
2. There is an upper cap of 2 teams from any Institution/University.
3. Any participating team in the Competition shall comprise 3 members namely, the Client, the Counsel & the Mediator.
4. There shall be no change in the composition of a Participating Team after it has been notified to the Organisers. This condition may only be relaxed with the prior permission of the Organisers, who may consider the request only under extraordinary circumstances.
5. The Organisers reserve the right to define "extraordinary circumstances" on a case-to-case basis.
6. It is the discretion of the ADR Society to decide which teams are eligible to participate in the competition upon a review of the ADR Profile of the Institution.
7. No reason or justification will be provided as to why a certain application failed to make it to the selected list of teams for the Competition. However, the exercise of discretion shall not be arbitrary and unjustified; instead, it shall be exercised only upon the review of the application form submitted by the team during registration.

REGISTRATION

There is a two-step registration process for the competition, Provisional Registration, and Final Registration.

I. Provisional Registration

1. Universities interested to reserve a slot for their team can provisionally register their university with the Organisers through the following [link](#). The form should be duly filed on or before March 27, 2023, for the university to be considered for the competition.
2. A total of 32 Teams will be selected after a careful review of the applications submitted. The selection shall be done on the basis of the ADR profile of the institution. The universities that have been selected will be intimated via email by March 30, 2023.

II. Final Registration

1. Shortlisted Teams/Participants are required to complete the Final Registration Process by duly filling out the Registration Form by or before April 4, 2023. The link for the final registration shall be sent to the teams selected via email.
2. Shortlisted Teams/Participants are required to transfer the registration fees of **INR 4000** through the SBI Collect Link. Details regarding payment shall be notified to the selected universities via email.
3. Upon completion of the Final Registration and payment of the Registration Fee within the stipulated time limit, the Registration of the Team concerned as a participant in the Competition shall be confirmed, and such Team will be assigned a Team Code.
4. Failure to complete the Final Registration process or to submit payment for the Registration Fee may result in the forfeiture of the allotted slot of the applicant team. The ADR Society reserves the right to replace the team with another from the pool of applicants at their discretion.

COMPETITION SESSIONS

I. Language

- 1.The official language of the competition is English and it shall be used in all the rounds of the competition. Usage of any other language during the course of any competition round is prohibited.

II. Dress Code

- 1.Each member of the Participating Team shall be dressed in Business Formals for the duration of the Competition.

III. Anonymity

- 1.Teams must ensure strict anonymity throughout the competition.
- 2.Teams are permitted to reveal their real names to the Judges if the problems don't specify the names to be used.
- 3.Under no circumstances are teams allowed to reveal their year of study, university affiliation, or any other information about themselves to the judges.

IV. General Information & Confidential Information

- 1.The Problem Statement shall consist of the General Information and Confidential Information for a particular round and there shall be five (5) different Problem Statements for each round of the Competition.
- 2.General Information may be based on real or fictional places, characters, and issues. The General Information will be released at least a week before the competition.
- 3.Confidential Information supplementing the General Information shall be given to the Negotiating Teams 30 minutes (for Prelims & Quarter Finals) and 45 minutes (for Semi-Finals & Finals) prior to the start of the mediation session.

4. The Negotiating teams are not permitted to communicate with any person other than their registered coach after the disclosure of the Confidential Information. Disclosure of the Confidential Information by the Negotiators to any Mediator (except for the ones participating in their joint session) shall make the entire Team liable for immediate disqualification from the Competition. For an abundance of clarity, any part of the Confidential Information can only be disclosed to the Mediators during the joint session and the caucus. The discretion of the ADR Society shall be final in this regard.
5. The Selected Teams must rely only on the facts mentioned in the Problem Statement. Neither the Negotiators nor the Mediators are empowered to introduce any new facts or alter any of the facts of the Problem Statement, but they may make arguments or statements that can be reasonably inferred only from the facts mentioned in the problem.
6. Reasonable inferences here may include inferences that do not alter or disrupt or contradict in any way the original facts of the problem. If there is a doubt as to whether a particular instance qualifies as a reasonable inference, participants are requested to err on the side of caution. The judges enjoy the discretion to penalize the teams for drawing unnecessary inferences to the convenience of their sides.
7. The General Information may be based on real or fictional places. Unless specified in the General Information, it is assumed that there is no governing law and general principles and practices of law will be applicable.
8. The sole authority to interpret any part of the Problem Statement shall rest with the ADR Society.

OPENING STATEMENTS

1. Every mediation session shall start with the opening statements of Mediators followed by the opening statements of the Negotiating Teams.
2. For preliminary rounds, the opening statement of each mediator shall not exceed three (3) minutes and a joint opening statement shall not exceed six (6) minutes. The opening statement of each Negotiating team shall not exceed five (5) minutes.
3. For the Advanced Rounds, the opening statement of each mediator shall not exceed five (5) minutes and a joint opening statement shall not exceed ten (10) minutes. The opening statement of each Negotiating team shall not exceed seven (7) minutes.
4. The Negotiating teams may decide amongst themselves and divide such time amongst their respective roles (Client/Counsel) as they deem required. The Requesting Party shall give their opening statement first amongst the two Negotiating teams.



CAUCUS

1. A Caucus forms an integral part of a Mediation session, which allows the parties to talk to the Mediators privately often to discuss options with the intent to find a solution.
2. Either the Mediators or either of the Negotiating teams may call for a caucus.
3. The timing of the caucus for any of the negotiating teams may not exceed the following limits:
 - a. Preliminary Rounds - 5 Minutes
 - b. Quarter-finals - 7 Minutes
 - c. Semi-Finals - 10 Minutes
 - d. Finals - 10 Minutes
4. Exceeding the time limit mentioned will attract a Penalty.
5. During the caucus with one party, the other party must leave the room/breakout room. They shall rejoin when asked to by a mediator/member of the organizing committee. The time taken for such logistics may be excluded from consideration, at the discretion of the Judges.
6. Care must be taken by the Mediators to prevent unfair usage of the Caucus session by the party for example, staying in the caucus beyond the prescribed durations so that the other party is deprived of time in front of the Judges. The Mediators should ensure that both teams are given equal time for the caucus.
7. Each party may call for a caucus only once in a mediation session.

ROUNDS & PROGRESSION

1. There shall be a total of 5 rounds in the Competition. 2 Preliminary Rounds, Quarter-Finals, Semi-Finals & Finals.
2. In each round, the Negotiating Team & the Mediator shall be competing and be marked independently of each other.
3. In no round will the Mediator(s) be from the University/Institution of the Negotiating Team(s). This condition shall not be applicable in the Finals.
4. The Session Manager shall supervise each round and the Timekeeper appointed by the Organisers shall be responsible for keeping time.
5. The Timekeeper will give 30-minute, 15-minute, 5-minute & 1-minute warnings and will announce when the time is up. The negotiations shall stop at the end of the allotted time.
6. No extension of time shall be granted under ordinary circumstances. Even under extraordinary circumstances, wherein an extension of time is granted, then such extension will not exceed 5 minutes. The decision of the Judge(s) on the allocation of time shall be final.
7. The participants are expected to join their respective Cisco Webex rooms 15 minutes before the round starts. The Mediators for the round are expected to join the Webex link or be present in the allocated room half an hour before the round starts and from there, they would be shifted to the break-out rooms, where they can discuss and prepare with their co-mediator.
8. The Audio and Visual Checking shall take place 10 minutes before the rounds.

9. If a team fails to join the meeting link on time and there is a delay of over 10 minutes, then the team shall not be allowed to participate in that round. For the abundance of clarity, the presence of both members of the negotiating team is necessary for the entirety of the round.
10. It is clarified that the amount of time available to the participants after the release of Confidential Information in any round may be changed at the discretion of the ADR Society, provided that the same shall be notified in advance, and shall be uniform for all participants.



PRELIMINARY ROUNDS

1. All 32 Negotiating Teams and Mediators shall compete in the Preliminary rounds.
2. The Negotiating Team will be informed about the party that they are representing on 14th April 2023 after the Opening Ceremony.
3. Each Preliminary round shall be of 45 minutes (including the time for Caucus).
4. The Negotiating Teams will be provided the Confidential Information 30 minutes before the commencement of the rounds.
5. The Mediators will not be provided the Confidential Information under any circumstances.
6. Each session will be evaluated and scored by two Judges assigned by the Organisers.
7. It is mandatory for the Client-Counsel pair in the Negotiating Team to take each role once during the Preliminary rounds. This requirement will not be present in the Advanced Rounds.



QUARTER FINAL ROUNDS

- 1.The 8 highest scoring Negotiating Teams and the 8 highest scoring Mediators from the Preliminary Rounds will proceed to the Quarter-Finals.
- 2.The match-ups shall be decided by a draw of lots, which shall also decide the side that the parties would be represented in the mediation session.
- 3.In any Mediation Session, if the Mediator is of the same Institution/University as the Negotiating Team, then the Mediator shall be swapped with any other Mediator randomly through a draw of lots.
- 4.Each Quarter Final round will be for a duration of 60 minutes.
- 5.From here on, the rounds will be held on a knockout basis.
- 6.The Negotiating Teams will be required to confirm their roles before the round begins. These roles will then continue till the end of the competition.
- 7.The Negotiating Teams will be provided the Confidential Information 30 minutes before the commencement of the rounds.
- 8.The mediators will not be provided the Confidential Information under any circumstances.
- 9.The Quarter-Finals will be evaluated and scored by two Judges nominated by the Organisers.

SEMI-FINAL ROUNDS

1. After the Quarter-Finals, the Negotiating team and the individual Mediator with the higher score than their respective counterparts in each mediation room will proceed to the semi-finals.
2. The duration of each Semi-Final Round will be 75 minutes.
3. The match-ups shall be decided by a draw of lots, which shall also decide the side that the parties would be represented in the mediation session. In any Mediation Session, if the Mediator is of the same Institution/University as the Negotiating Team, then the Mediator shall be swapped with any other Mediator randomly through a draw of lots.
4. The Negotiating Teams will be provided the Confidential Information 45 minutes before the commencement of the rounds.
5. The mediators will not be provided the Confidential Information under any circumstances.
6. The Semi-Finals will be evaluated and scored by three Judges nominated by the Organisers.



FINAL ROUND

1. After the semi-finals, the Negotiating team and the individual Mediator with the higher score as against their respective counterparts in each mediation room will proceed to the Final Round.
2. The duration of the Final Round will be 90 minutes.
3. In the final rounds, the Negotiating team and the individual Mediator with the higher score as against their respective counterparts will be declared as the winners of the competition.
4. The Negotiating Teams will be provided the Confidential Information 45 minutes before the commencement of the rounds.
5. The Mediators will not be provided the Confidential Information under any circumstances.
6. The Finals will be evaluated and scored by Five Judges nominated by the Organisers.



TIE BREAKER

I. Tie-breaker for the Negotiating Teams -

In case there is a tie between two or more Negotiating Teams than the team with the higher score in Criteria 3 (Advocating Interests) shall be allotted the better rank, and in case the tie continues, on the basis of marks secured for Criteria 8 (Use of Mediator). If the tie persists then the criteria shall be Criteria 6 (Collaborating with the Other party) followed by Criteria 4 (Information Gathering). If a tie still persists, then the ADR Society shall on the basis of the other criteria decide the team that shall be given the better rank.

II. Tie-breaker for Mediators -

In case of a tie in the score of two or more Mediators, the Mediator who will receive the better rank shall be decided on the basis of the marks secured for Criteria 5 (Effective Mediating Skills), and in case the tie continues, on the basis of marks secured for Criteria 9 (Facilitating option generation). If the tie persists then the criteria shall be Criteria 8 (Eliciting Information) followed by Criteria 6 (Profiling Parties Interests). If a tie still persists, then the ADR Society shall on the basis of the other criteria decide the Mediator who shall be given the better rank.

JUDGES

- 1.The ADR Society will select and allocate Judges to evaluate the performance of Participants in the Competition and provide constructive feedback to enhance their mediation and negotiation skills.
- 2.In order to ensure fairness, the Organisers will endeavor to prevent any conflict of interest between Judges and assigned Teams during each Competition Session, particularly by avoiding Judges and Teams from the same Institution.
- 3.Each Judge is required to disclose any relationships with Participants, Teams, Coaches, Universities, or Colleges that may cast doubt on their ability to perform their duties in an unbiased manner. This is important to ensure that all Judges are able to carry out their responsibilities impartially and that the integrity of the Competition is upheld.
- 4.The Organisers shall try, so far as possible, that the Participating Teams are assessed by new Judges in every round.
- 5.In the Preliminary Rounds and Quarter-Finals, the participating teams will be assessed by a bench of 2 Judges.
- 6.In the Semi-Finals, the participating teams will be assessed by a bench of 3 Judges.
- 7.In the Finals, the participating teams will be assessed by a bench of 5 Judges.
- 8.The ADR Society reserves the right to alter the number of Judges in any round. However, under no circumstances, will the number of judges be less than 2 for any round.
- 9.The Negotiating Team shall be assessed on the criteria as provided in **Annexure A (Scoresheet for Negotiating Team)** and the Mediators shall be assessed on the criteria as provided in **Annexure B (Scoresheet for Mediators)**.

COACHES

1. Each Team may register up to one coach.
2. The name of the Coach, if any, shall be indicated in the Form filled out by the Participating Team. The registered Coach will be permitted to interact with the Negotiating Team after the circulation of CI, but will not be allowed to interact with the team once the round begins.
3. The Coaches shall not be permitted to attend the Joint Session or the Caucus session. Further, the coaches will not be allowed to interact with their team during the caucus session in any manner.
4. The teams are prohibited from communicating with anyone other than the Team's registered Coach after the distribution of CI.
5. During a Mediation Session, the Teams shall not communicate with anyone except the other indicated Negotiating Team and the indicated Mediators.
6. A Coach shall not be a person who is attending the 1st MNLU-N National Commercial Mediation Competition, 2023, as a Judge.

PENALTY

1. Subject to the discretion of the Judge(s), the ADR Society reserves the right to penalize teams for any violation of any rule under these rules.

GUIDELINES FOR VIRTUAL PARTICIPATION

I. Platform

- 1.The Competition shall be conducted via Cisco Webex. Participants should be familiar with Cisco Webex and its tools, especially how to mute and unmute themselves, how to rename themselves, how to do a private chat (for conferring between mediators or counsel-client pairs), etc.
- 2.The Participants must keep their cameras ON, for the entirety of the Mediation Session.
- 3.The Mode of Communication between the Host Institution and participating teams shall be the 'Email' and 'WhatsApp Messenger' application unless specified otherwise.
- 4.The ADR Society will conduct a Technical Orientation in the week preceding the Competition where the teams will be briefed about the technical aspects of the Competition.

II. Nomenclature

- 1.Naming Convention for the participants shall be their Team Code and Role. It will be written as "TC No._Client" OR "TC No._Counsel" OR "TC No._Mediator". For e.g. TC12_Client, TC12_Counsel, TC14_Mediator.
- 2.The teams are requested to follow the aforementioned naming convention to name themselves in Cisco Webex meetings.

III. Format & Digital Requirements

1. Each Member of the Participating Team shall join the round from a separate device. In case the Participating Team joins through the same device, they will not be marked for that time period that they have joined using the same device by the judges.
2. In the event that the Participating Team remains in the meeting using the same device for the entirety of the meeting, then they shall not be marked for that session.
3. Each participant is responsible for finding a suitable location, which is quiet and closed to the public and where the user will have access to a steady reliable internet and source of power. It is recommended to choose a location with good lighting and acoustics. Each participant shall participate in the Competition without any type of third-parties assistance, including the appearance of a third party in the background.
4. All participating teams are required to have an internet connection with a speed of at least 2 MBPS, and a UPS/Battery Backup for the Electronic Gadget [Either a Laptop or a Desktop Computer] being used to participate in the Competition Session. Each Team will be required to keep a backup internet connection in case their primary connection fails for whatever reason.
5. During the Mediation Session, only the Negotiators and Mediators are allowed to speak, followed by Judges in the Feedback session. The Session Manager or any member of the ADR Society performing there (if any), is allowed to speak under exceptional circumstances, whereas anybody else present in the room must keep their microphones on "Mute" throughout the session.

IV. Permissible Assistance

1. Coaches (if any) are not allowed to join the Mediation Session along with their teams. Coaches may assist their teams after the distribution of the Confidential Information until the mediation session begins. Thereafter, they may not give any advice or instructions to, or attempt to communicate in any way with, any of the participants until the conclusion of the Round.
2. No person associated with a team, including a team member who is not participating in that round, may communicate in any way with the participating team members until all the parts of a round are complete. Violation of this rule will result in the imposition of a penalty and may extend to the disqualification of the entire team.

V. Use of Materials

1. No pre-prepared materials may be brought into the round to be shared with the judges or other competitors in the round.
2. Screen sharing by any Participating Team is strictly prohibited. This includes any use of technology such as PowerPoint or any other presentation software.
3. Participants may use any competition-supplied materials (general and confidential information) or personal notes they have prepared to assist them during the round.
4. Any delays caused by the use of such external technical features will not be condoned.

VI. Punctuality

1. Teams are required to join 15 minutes before their scheduled rounds.
2. A delay in joining the rounds of up to 10 minutes due to technical difficulties will be condoned.
3. Teams that are late for their rounds beyond 10 minutes from the scheduled time shall be disqualified and the opposition team shall be matched with a dummy team which will be provided by the Organisers. The ADR Society shall have full discretion to take any decision in this regard.



TECHNICAL ISSUES

1. In the event a technical issue encountered by a Participating Team causes the disruption of a Mediation Session, the Mediation Session shall be paused to allow for the technical issue to be resolved.
2. If a Mediation Session runs for at least 75 percent of its originally intended duration, it will be deemed completed even if a technical issue occurs that results in the session being unable to be resumed. This means that the judge will score the session based on what happened up to the point of disruption. Provided that this rule shall be in effect only when;
 - a. Reasonable time in the discretion of the Judges has been allowed to the affected Competing team to rejoin with no prospect of successful resumption, where the reasonable time cannot exceed 15 minutes; OR,
 - b. The technological issue arises on part of the Organizers, or by virtue of a bug or a glitch on the Platform; OR
 - c. The ADR Society deems it necessary.
3. In the event, the Judge(s) is unable to connect or drops from a round, Participating Teams should continue the round without interruption. A video recording of the round will be provided to the Judge(s) for them to review the segments that they missed, prior to the completion of their scoring. Provided that in exceptional circumstances where it is not possible to contact the Judge, the Organizing Committee reserves the right to rely solely on scores by other judges in the room. In such a scenario, the marks of the other judge(s) in the Mediation Room shall be proportionally adjusted to fulfill the quorum of the bench.

4. In case of a technical issue encountered by the Session Manager, teams shall continue the Session without interruption. In such an event, the ADR Society shall duly nominate a substitute timekeeper to help in the session.
5. In case of any miscellaneous or ancillary issues arising during the round, the ADR Society shall have the final discretion over the matter with due regard to the Judge's views.



PHOTOGRAPHY & FILMING

1. By participating in the Competition, Participants, Coaches, and Judges are deemed to have consented to the use of photography and videotaping by the ADR Society during the entire duration of the Competition.
2. Participants, Coaches, and Judges are deemed to have agreed without any reservations to the use of their photographed images/videos by the ADR Society, the Host Institution, the Sponsors, and the Collaborators of the Competition. The images and videos may be used for promotional or any other purposes, on social media or otherwise.
3. The Final Rounds will be live-streamed by the ADR Society's social media handle(s), on social media platforms, and the Competition Session Participants, Coaches, and Judges are deemed to have consented to this public broadcast.
4. Any special requests seeking exclusion(s) to the above may be conveyed to the Host Institution by way of an email to adrsociety@nlunagpur.ac.in, with the subject "Request for Exclusion from Photography/Filming", no later than April 10, 2023.



CODE OF CONDUCT

1. The ADR Society reserves the right to disqualify any team or participant or impose any other penalty for any kind of misconduct on the part of any team member or coach, during the competition. In case of any doubt/dispute, the decision of the ADR Society shall be final. Misconduct includes, but is not restricted to:
 - a. Contacting the Judges before the commencement of the Rounds.
 - b. Non-disclosure of any previous/personal or professional relationship with any of the Judges.
 - c. Disclosure of team identity to other participants during the course of the round or to any judge.
 - d. Scouting and sharing of confidential information or particulars of the Competition problems.
 - e. Any attempt to obtain confidential information with regard to the Competition Problem in a manner not befitting the competition.
 - f. Any other conduct which may give a team an unfair advantage over the other teams, including the use of electronic devices and the internet for the purposes of research during the round.
 - g. The ADR Society will address any violations by deducting points or disqualifying the entire team from the Competition.
 - h. Non-compliance with a Session Manager's instructions by a member/s of any Selected Team will result in a penalty, which will be decided by the Judges assessing the respective round.
2. The ADR Society reserves the right to disqualify any team or participant or impose any other penalty for any kind of misconduct on the part of any team member or coach, during the competition. In case of any doubt/dispute, the decision of the ADR Society shall be final.

RESIDUAL

1. The ADR Society may take any measures as required for the proper conduct of the Competition. The Society also reserves the right to add, modify, or amend the rules if required. In case of any confusion or lack of clarity with regard to any rules of the event, the Participants are encouraged to contact the Organisers. In any case, the decision of the ADR Society will be final and binding.



ANNEXURE-1

1st MNLU-N National Commercial Mediation Competition, 2023 (Virtual)

Score Sheet for Negotiating Team

Scoring Scale:

Standard of Performance	Score Range
Outstanding	18-20
Excellent	14-17
Average	9-13
Poor	5-8
Very Poor	1-4

Team Code -		Team Code -
Marks (out of 20)	Criteria	Marks (out of 20)
	<p>1. <u>Opening Statement:</u> Expressing confidence in the process, skillful articulation of facts to put forth the case, persuasive comments to influence the other party.</p>	
	<p>2. <u>Relationship-building and Problem-Solving:</u> Willingness to collaborate, taking initiative to build a problem-solving approach, the decision on disclosure of confidential information, strategically sacrificing interests to build a relationship.</p>	
	<p>3. <u>Advocating Interests:</u> Assessment of one's own strengths and weaknesses, identifying and developing client's real needs and interests, identifying common and conflicting interests.</p>	
	<p>4. <u>Information Gathering:</u> Non-opinionated approach, reliance on information rather than emotions, relevant and probing questions, strategy for asking uncomfortable questions, and questions designed to understand the other parties' interests.</p>	
	<p>5. <u>Mutually Generating Creative Options:</u> Generating options to satisfy one's needs and interests, efforts made to satisfy other's interests, non-judgmental approach, and objective evaluation of options generated by other parties.</p>	

	<p>6. <u>Collaborating with the Other party:</u> Interaction with the other party and its object (find solution or fault), use of legal position, principled approach (to avoid soft and hard Negotiation), rapport and trust building, demonstration of listening skills, establishing positive atmosphere.</p>	
	<p>7. <u>Team Work and Coordination:</u> Effectiveness of collaboration, reliance, and faith in each other's ability, working together as a team, communicating with each other, sharing of responsibility, and providing mutual support.</p>	
	<p>8. <u>Use of Mediator:</u> Timely and effective use of a mediator, and mediators' interventions to secure the desired outcome. Use of caucus including identifying the correct time to call for a such caucus.</p>	
	<p>9. <u>Effective Negotiation Skills:</u> The extent of success in protecting interests, creative ways adopted to achieve goals, reasons for failure in negotiation (if any), the conclusion of the session, handling of emotions, and handling of hard bargaining. Usage of the Confidential Information.</p>	
	<p>10. <u>Negotiation Strategy:</u> The overall strategy developed to deal with the dispute, time spent on relation building, information gathering and slowly moving into negotiation; change of approach, and adaptability.</p>	
	Total Score	

ANNEXURE-2

1st MNLU-N National Commercial Mediation Competition 2023

Score Sheet for Mediators

Scoring Scale:

Standard of Performance	Score Range
Outstanding	18-20
Excellent	14-17
Average	9-13
Poor	5-8
Very Poor	1-4

Team Code -		Team Code -
Marks (out of 20)	Criteria	Marks (out of 20)
	<p>1. <u>Opening Statement:</u> Conveying the importance of the process, tactics adopted to calm parties, and effective explanation of the process with special reference to his/her role.</p>	
	<p>2. <u>Establishing a Working Atmosphere:</u> Explanation of the ground rules, balancing adherence to rules with kindness to parties, whether Mediator facilitates an informal discussion or stiff and formal approach (depending on the situation)</p>	
	<p>3. <u>Mediation Process:</u> Patience, positivity, persistence, and professionalism, the building of trust and rapport with the parties, maintaining an impartial and non-judgmental approach, and adherence to ground rules.</p>	
	<p>4. <u>Effective Communication Skills:</u> Adaptation of techniques of active and passive listening, body language, and timely intervention to guide the process of mediation.</p>	
	<p>5. <u>Effective Mediating Skills:</u> Use of common and conflicting interests to the advantage of the Mediation process, assisting parties to move ahead with the relationship, contributing to an effective process and outcome; assistance in developing a problem-solving approach.</p>	

	<p>6. <u>Profiling Parties Interests:</u> Elucidating the parties' interests, identifying common and conflicting interests, and helping parties generate interests.</p>	
	<p>7. <u>Comprehending the party's apprehension:</u> Encouraging the parties to open up and navigate toward the settlement of issues. Dealing with parties' apprehensions during the caucus session.</p>	
	<p>8. <u>Eliciting Information:</u> Framing of questions, manner of asking uncomfortable questions, collecting information while maintaining an unbiased image, optimum use of time by asking only relevant questions. Use of caucus to find out information that the parties may have not revealed till that time.</p>	
	<p>9. <u>Facilitating Option Generation:</u> The approach adopted in assisting option generation, steps taken to keep options realistic and ethical, encouraging the parties to generate win-win options.</p>	
	<p>10. <u>Sensitivity to ethical and cross-cultural issues:</u> Handling of the ethical issues, being sensitive to the different cultural backgrounds of the parties.</p>	
	Total Score	



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Vishwajeet Rao (2019-24)

Ananya Srivastava (2020-25)

Arya Hartalkar (2020-25)

Udwipt Verma (2020-25)

Prerna Hegde (2021-26)

Samruddhi Patil (2021-26)

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1st MNLU-N National Commercial Mediation Competition, 2023 (Virtual)