

# **SYMBHAV LEGAL EVENTS 2020**

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## **Legal Events**

Client Counselling

Judgement Writing

Mediation

Negotiation

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## **ORGANISED BY:**

Symbiosis Law School, Pune

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**28<sup>th</sup> February, 29<sup>th</sup> February, 1<sup>st</sup> March 2020**

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## **CLIENT COUNSELLING**

### **(RULES & REGULATIONS)**

#### **TEAM COMPOSITION:**

- Each team shall consist of two (02) participants only.
- The participants shall be from any of the 3 year LLB or 5 year integrated LLB course.
- Team(s) may not be altered after registration.
- Registration fees for Client Counselling event is Rs.1500/-.

#### **ROUNDS:**

##### **NUMBER OF ROUNDS:**

- (a) Two (02) Preliminary Rounds,
- (b) Semi-Final Rounds, and
- (c) Final Round.

- There will be two (02) preliminary rounds of Consultation Session.
- Preliminary Rounds will be held on February 28, 2020, and the four (04) teams shall go to the Semi - Final Round on the basis of highest total of the team scored in both rounds.
- In case of a tie for the 4th place, all the tied teams will be eligible to go to Semi - Finals.

##### **SEMI-FINAL ROUNDS & FINAL ROUND:**

- The Semi – Final Rounds shall be held simultaneously in different rooms judged by different panel of judges.
- Top two (02) teams from the Semi - Final Rounds shall go to the Finals on the basis of team scores.
- In case of a tie for the 2nd place, all the tied teams will be eligible for Finals.
- Semi – Final Rounds will be held on February 29, 2020 and Final Round will be held on March 01, 2020

## **RESULTS:**

- Results will be announced within sixty (60) minutes after the completion of the Preliminary and Semi - Final Rounds. The final result and the winners of the various categories will be announced only during the Valedictory / Prize Distribution Ceremony.
- Participating Teams who were not able to qualify to Final Round are required to stay back and attend Final Rounds and Valedictory / Prize Distribution Ceremony on March 01, 2020.
- The Administrators would not be posting any Certificate of Participation to the Team who is absent from the Final Rounds and Valedictory / Prize Distribution Ceremony.

## **COMPETITION PROCEDURE:**

### **GENERAL GUIDELINES AND STRUCTURE:**

- The Competition shall consist of two (02) stages: Consultation Session and Critique Session.
- The teams will have a maximum of 15 (10+1+4) minutes of Consultation and Post-Consultation with an additional 5 (3+2) minutes for the Critique session. During this period of twenty (20) minutes if necessary, the competing students can consult any books, which they may bring with them.
- In the interviewing and counselling Stage (Consultation Session) as well as Post interviewing and counselling stage (Critique Session), one member of the team should take the lead role and the other should take a supplementary role.
- There should be good co-ordination between the two team members throughout the twenty (20) minutes period.

### **CONSULTATION:**

- The consultation period shall be for ten (10) minutes.
- The time period will start from the moment the client enters the chamber.
- This time period is meant to be used for *inter alia* consultation with the client, during which participants are expected to get the relevant information, outline the problem, find the client's expectations and propose a solution or other means of resolving the problem.
- During the consultation, the participant may use books, notes and other materials. The participant may also use office props (files, furnishings, bookshelves etc.) and any other material to furnish their consultation room or for other relevant purposes.

- The time period is to be strictly adhered to but the Judge(s) may, in case of any reasonable circumstances provide an extra one (01) minute to the participant after which the client would necessarily leave and the Post-Consultation period of four (04) minutes would begin.
- If the extended consultation session allows an opportunity for a participant to gather more information than other participants, the circumstances would be taken into consideration by the Judge(s) in making their decision.
- Judge(s) may, in their discretion, penalize participants that allow the interview session to run longer than the stipulated time period.

**CRITIQUE:**

- After the completion of the consultation period the Judge(s) may question the participants on matters deliberated upon or mentioned by the participants or the client during the consultation period.
- The Judge(s) may ask any question(s) which they consider material and question(s) meant to test the participants' understanding of the facts and/or law applicable or applied by the participant(s) in the case.
- The time period for this session is three (03) minutes and the Judge(s) may extend it by another two (02) minutes at their discretion.

**APPLICABLE LAW:**

The problems shall be broadly based on, but not completely limited to, the following laws. Participants are expected to have knowledge of any other ancillary law(s) and procedure(s):

- a) Consumer Protection Law
- b) Contract Law
- c) Criminal Law
- d) Family Law
- e) Motor Vehicle Law
- f) Tort Law

## **EVALUATION CRITERIA:**

- **Working Atmosphere and Professionalism:** Establishing an effective professional relationship and creating a working atmosphere and, if and when appropriate, orienting the client to the special nature of the relationship, including confidentiality, explanation of fees and responding to client's concerns, mutual obligations and rights, duration and plan of the consultation, etc., in a courteous, sensitive and professional manner.
- **Moral and Ethical Issues:** Recognising, clarifying and responding to any moral or ethical issues which may have arisen, without being prejudicial in judgments.
- **Description of the Problem:** Learning how the client viewed his or her situation, using a combination of listening and questioning, drawing out both information and emotions of the client, as appropriate, to develop a reasonably complete and reliable description of the problem.
- **Problem Analysis:** Analysing the client's problem with creativity and from both legal and non-legal perspectives, resulting in a clear and useful formulation of the problem. Client's goals and expectations: learning the client's goals and initial expectations; modifying or developing them, as necessary.
- **Client's Informed Choice:** As appropriate, assisting the client in his/her understanding of problems and solutions and in making an informed choice, taking potential legal, economic, social psychological consequences into account.
- **Alternative Courses of Action:** Consistent with the analysis of the client's problem, developing a set of potentially effective and feasible alternatives, both legal and non-legal.
- **Effective Conclusion:** Concluding the interview skilfully and leaving the client with a feeling of reasonable confidence and understanding, with appropriate reassurance, and with a clear sense of specific expectations and mutual obligations to follow.
- **Post-Interview Reflection:** Recognizing their own and the client's feelings, the strengths and limitations of their interviewing and counselling skills, their handling of the substantive aspects of the client's problems (legal and non-legal), providing for an effective follow-up.

## **SCOUTING:**

Team member(s) or any one accompanying him/her/them will not be allowed to observe the sessions of other rooms. Scouting is strictly prohibited. Scouting by the team member(s) or any one on his/her/their behalf will result in his/her/their disqualification.

## **JUDGMENT WRITING**

### **(PROBLEM)**

**THE SUPREME COURT OF MINDHYA**

**BEFORE GREY, CJ; BOROMIR, LEGOLAS, GIMLEE, AND BAGGINS, JJ.**

*Plus Condor Private Limited &Ors.*

**v.**

*Mindhya Grande Ltd. &Ors.*

1. The Republic of Mindhya is a sovereign democratic republic, and its laws are *parimateriathose* of India. Mindhya is a developing and populous nation that draws a large part of its revenue from the agricultural and varied outsourced sectors.
2. Almost all of the residents in Mindhya have an internet connection, with at least one-third of them having access to high-speed internet, that is amongst the best in the world. However, before 2010, merely 10% of residents, almost all in urban Mindhya had access to internet. The Government of Mindhya started the ‘*Great Byte Forward Programme*’ in 2010, which incentivised private telecommunication operators to provide internet, subsidised production of allied hardware, and offered free internet access to all people between the ages 18 to 25, and 65 and above. The GBF Programme has been modified several times since then, and is regarded as a landmark in the history of the internet and of the world.
3. Since the dawn of 2011, the Government began promoting the concept of domestically-grown start-ups to facilitate the internet boom. The Coronation Corporation Ltd., the country’s biggest conglomerate, owned by billionaire tycoon Charles Coronation, opened the e-market website “*Co-Shop*”. Around the same time, Condor Sons Pvt. Ltd., a conglomerate owned by the Condor family, started another website, “*Plus Condor*”.
4. Co-Shop and Plus Condor gradually became household names in Mindhya and, by early 2016, both were worth about USD 25 billion separately, and indirectly or directly employed about 5 lakh

people each. Their rise had disgruntled many of the small business that had until now been crucial to the national economy, being an integral part of the nation’s semi-regulated sectors.

5. Both businesses are heavily reliant on the sister companies, subsidiaries of their respective conglomerates for sale of goods, to the extent where both can be regarded as mere sales arms of their groups. The following is a list of such sister corporations, in sectors that *in toto* amount to 75% of e-commerce transactions in the country:

SR. NO.	PRODUCT SECTOR	CORONATION COMPANY	CONDOR COMPANY
1	Electronics	Coronation Alpha Ltd.	Condor Nix Ltd.
2	Groceries	Coronation Green Ltd.	Condorfresh Pvt. Ltd.
3	Textiles	Vibrant Colours Pvt. Ltd.	Piccadilly Waterloo Pvt. Ltd.
4	Electricals	Coronation Silico Ltd.	Cicada Major Ltd.

6. In 2016, the Government opened the e-commerce industry to 100% foreign direct investment. Neither Co-ship nor Plus Condor raised any objections to the move. In November 2016, Grande Electronic Commerce Corporation, a body corporate registered in the developed nation of United States of Amelia, incorporated a subsidiary in Mindhya, Mindhya Grande Ltd, which subsequently released its own e-commerce website “MAGECC”.
7. MAGECC faced several issues after its release as it could not purchase products directly from manufacturers of Coronation Corporation Ltd. or Condor Sons Pvt. Ltd., which gave access to their respective sales arms. MAGECC could not purchase the products directly from the manufacturers of the two conglomerates and had to give up on a part of its profit margin, due to the higher prices quoted by the intermediate dealers in the supply chain after the manufacturer.
8. To combat the problem, MAGECC hired a former Plus Condor manager, and a National University mathematician, who were given free rein over MAGECC. The duo suggested a business plan, internally known as “Project Amoeba”. Project Amoeba involved purchase of products from local small businesses and the business would involve delivering the same locally. It was argued that this would reduce costs and time, giving an edge to MAGECC.
9. MAGECC implemented Project Amoeba for groceries and textiles by June 2017, by signing contracts with Federation of All Mindhya Grocery Shop Associations (FAMGA), and Textile Sellers Union of Mindhya (TESU). Project Amoeba radically brought down costs, and ensured



quick delivery. A January 2018 report by a reputed business journal reported that the average delivery time for groceries and textiles for MAGECC was about 7 hours, while both Co-Shop and Plus Condor took about 36 hours. Similarly, MAGECC's products were mostly sold at 85% of the average price at which the other two services sold their counterparts.

10. Barring electronics and electricals, which are still dominated by the two companies, MAGECC delivers almost 65% of groceries and 72% of textiles sold online. Both companies suffered significant drop in stock price and reduction in profits due to MAGECC.
11. Condorfresh Pvt Ltd imports all its tea products from Condor Tea Estates Pvt Ltd, whose tea estates and allied factories are situated in the neighbouring country of Enarcia. On March 4, 2018, a nationwide general strike commenced in Enarcia due to increase in fuel price and other grievances. Due to the same, Condorfresh was unable to import tea products into Mindhya. A similar situation had occurred in 2013, when Condorfresh had purchased emergency stock from domestic grocers. This time as well, Condorfresh tried purchasing stock from several domestic grocers, all of whom refused due to the contract between FAMGA and Mindhya Grande. The contract prohibited sale of grocery products to “any electronic commerce entity, or an entity that is owned by another entity, that owns an electronic commerce entity”. FAMGA and the grocers purported that this prohibited transfer to Condor fresh.
12. Similarly, Vibrant Colours Pvt. Ltd. imports cotton, silk, and other raw material from the country of Bekabeki. In June 2018, due to some war-like situation in the Gulf of Canton, all exports from Bekabeki were halted. Vibrant Colours Pvt Ltd approached the MindhyaKapasUtpadak Sangh (MIKUS) for purchase of cotton produce. The MIKUS refused, citing a contractual arrangement with Textiles Manufactures Union (TEMU). The two associations had entered into a ten-year contract in May 2017, that prohibited sale of cotton to any textile manufacturer “that is not a member of the TEMU”.
13. A news organization owned by the Condor group, Condor News, later revealed a May 2017 contract between TEMU and TESU, that prohibited sale of textile products to “*any electronic commerce entity, or an entity that is owned by another entity, that owns an electronic commerce entity*”. The news scoop alleged that the contracts between TEMU and TESU, as well as MIKUS and TEMU were drafted in a strikingly similar manner, and also shared an affinity with the contract signed between Mindhya Grande and TESU. The news story, titled “How your friendly

neighbourhood business company is running a cartel” was shared widely, and the journalists involved received many acclaimed national and international prizes for their story. In response, the three associations released a joint statement that denied any involvement of Mindhya Grande, and stated that all three were advised by Ebenezer LLP, a leading law firm, which purportedly explained the similarity of contracts. The statement also said that the contract between Mindhya Grande and TESU was also drafted by the same law firm.

14. After the news story broke in August 2018, the Director-General was asked at a press conference about whether the Commission would take note of the “*Cotton Cartel*” scandal. The DG refused to comment by saying that the Commission had not been formally provided with any information as of then.

15. On September 6, 2018, Vibrant Colours Pvt. Ltd. formally sent information to the Commission alleging violation of Sections 3 of the *Competition Act, 2002*, against Mindhya Grande Ltd. The DG subsequently opened an investigation into the Mindhya Grande scandal.

16. On the same day, Condorfresh approached the Commission with information regarding the FAMGA-Mindhya Grande contract. The DG opened a separate investigation into this contractual arrangement as well.

17. On October 1, 2018, the Director General published a common report for both investigations. The common report held that the agreements were not violative of the Competition Act, as there was no “appreciable adverse effect” by Mindhya or the associations. The report read:

*“In fact, it can be seen from prices of products on the website MAGECC and those on Plus Condor and Co-Shop, that the impugned contractual arrangements are actually enabling MAGECC to sell the products cheaper and faster. If the cotton or tea supply is enabled to Vibrant or Condorfresh, and then on, to their e-commerce websites, the prices there would be higher than that of MAGECC. At the same time, a reduction in supply to MAGECC would mean that their prices go up, or their customers are compelled to purchase products elsewhere, at the peril of customers. The agreements are prima facie anti-competitive, but the same cannot be held so. The Competition law cannot be employed to frustrate customers, or to make them pay more. The contractual arrangements neither increases the price for customers nor does it impact the adequacy of supply. MAGECC has not sought to abuse its exclusive supply to seek its own ends, instead it has innovated to supply goods cheaper and faster. The protests of Plus Condor and Co-*

*Shop are caused by their own monopolistic tendencies of exclusivity within their respective conglomerates, but are incorrectly aimed at MAGECC's commendable business strategy".*

18. The Competition Commission of Mindhya held Mindhya Grande not to be in violation under Section 3 and held largely in favour of the DG's opinion. The report was appealed instantaneously by Co-Shop to the Appellate Tribunal, while Plus Condor appealed to the Supreme Court under Article 136 of the Constitution.
19. The Supreme Court admitted the special leave with all the relevant parties impleaded, and formed the following questions for judgment:
  - (a) Whether Mindhya Grande violated Section 3 of the Competition Act, 2002, in relation to the two impugned agreements?
  - (b) Whether the Competition Commission was justified to permit consumer welfare as an exception to application of the Competition Act, 2002?
20. Chief Justice Grey and Justice Baggins answered the first question in affirmative, and the second in negative, while Justices Boromir and Gimlee answered them in negative and affirmative respectively. The Justices await your judgment, Justice Legolas.

## **JUDGMENT WRITING**

### **(RULES & REGULATIONS)**

#### **AIM AND PURPOSE:**

- The Judgment Writing Competition, 2020 has been conceived with the aim of promoting skills of interpreting and applying legal concepts to facts and drafting judgments.
- The Judgment Writing Competition will have the following principles and purpose:
  - (i) To develop a judicious mind;
  - (ii) To apply legal concepts with a clarity of thought;
  - (iii) To promote the spirit of rule of law and justice; and,
  - (iv) To interpret law in a justifiable manner with a view to meet ends of justice.

#### **TEAM COMPOSITION:**

- Each team shall consist of two (02) participants only.
- The participants shall be from any of the 3 year LLB or 5 year integrated LLB course.
- Teams may not be altered after registration.
- Registration Fees for Judgment Writing event is Rs.1000/-.

#### **SUBMISSION GUIDELINES:**

The judgment must be submitted online and should conform to the following guidelines:

- It shall not exceed 6000 words (including authorities).
- The team is required to cite authorities similar to Judgments of Court.
- The judgment shall conform to the format of the judgment as given below and shall contain the Team Code on the front page.
- It shall be submitted as an attachment in .doc / .docX format and .pdf format with font size of 12 and line spacing of 1.5 lines in 'Times New Roman' font. The alignment must be justified on A4 size paper.
- The subject of the mail must be in the format of 'Code xxx - Judgment Submission – Judgement Writing 2020'.

- The name of the file should be Team Code i.e. ‘Team xxx’ (for e.g. the code of a team is 2020, the document should be named as ‘Team 2020’ and the email should be sent with the subject: ‘Code 2020 - Judgment Submission – Judgement Writing 2020’).

**DEADLINE FOR SUBMISSION:**

- The judgment is to be mailed latest by 11:59 P.M. IST, March 01, 2020 at [qcsymbhav@gmail.com](mailto:qcsymbhav@gmail.com)
- Any judgment received after 11:59 P.M. IST, March 01, 2020 will not be considered for competition and the team will be disqualified.

**FORMAT OF THE JUDGMENT:**

The judgment must be of the pattern and format as prescribed under:

- a) First Page
- b) Team Code
- c) Name of the Court
- d) Title, Number of the Case
- e) Date of Delivery of Judgment
- f) Nature of the Case(s) (Civil/Criminal/Writ)
- g) Any other relevant information team wishes to incorporate on first page similar to Judgments of the Indian Courts.
- h) Facts / History & Procedural History of the Petition / Suit / Appeal
- i) Admissibility / Maintainability of Petitions / Suits / Appeals
- j) Issues & Points for Determination
- k) Framing Specific Questions for determination
- l) Reference to Precedents, Other Sources (both authoritative & persuasive)
- m) Decision on issues framed or points formulated
- n) Decretal / Operative Part.

### **EVALUATION CRITERIA FOR JUDGMENT WRITING:**

There shall be assessment criteria for the purpose of adjudging the competition. It shall include the following parameters:

- a) Adherence to Format of the Judgment
- b) Language and Mode of Expression
- c) Enumeration & Interpretation of Facts
- d) Identification of Issues / Key Points
- e) Identification and Decision on Law Applicable
- f) Application of Law and Ratio Decidendi and Other Perspectives: Justification of Choice
- g) Operative Part or Order & Remedy
- h) Opinions & Obiter Dicta
- i) Innovation in Interpretation/Application in Indian Perspective

### **JUDGMENT PROPOSITION:**

- The last date for seeking clarification for same is February 17, 2020
- The clarification, if any will be released by February 19, 2020.

## **MEDIATION**

### **(RULES & REGULATIONS)**

#### **AIM AND PURPOSE:**

- To create and foster an environment for students to learn and develop their skills in mediation and to appreciate how to use them both as counsel and as mediator.
- To help law students better understand the mediation process and its importance to the practice of law.

#### **TEAM COMPOSITION:**

- Each team shall consist of three (03) participants only.
- The participants shall be from any of the 3 year or 5 year LLB course.
- Teams may not be altered after registration.
- Registration fees for Mediation event is Rs.1500/-

#### **ROUNDS:**

##### **NUMBER OF ROUNDS:**

- (a) Two (02) Preliminary Rounds,
- (b) Semi - Final Rounds, and
- (c) Final Round.

##### **PRELIMINARY ROUNDS:**

- There will be two (02) Preliminary Rounds.
- The top four (04) mediators and mediating pairs shall go to the Semi - Final Round on the basis of score of both the Preliminary Rounds.
- In case of a tie for the 4th place, all the tied teams will be eligible to go to Semi-Finals.
- The time limit for both the Preliminary Rounds shall not exceed 25 minutes.

### **SEMI-FINAL ROUNDS & FINAL ROUND:**

- The Semi – Final Rounds shall be held simultaneously in different rooms judged by different panel of judges.
- Top two (02) mediators and mediating pair from the Semi - Final Rounds shall go to the Finals on the basis of Team scores.
- In case of a tie for the 2nd place, all the tied teams will be eligible for finals.
- The time limit for semi-finals and finals shall not exceed 40 minutes.

### **RESULTS:**

- Results will be announced within sixty (60) minutes after the completion of the Preliminary and Semi - Final Rounds. The final result and the winners of the various categories will be announced only during the Prize Distribution Ceremony.
- Participating teams who were not able to qualify to Final are required to stay back and attend Final Rounds and Valedictory / Prize Distribution Ceremony.
- The Administrators would not be posting any certificate of participation to the team who is absent from the Final Rounds and Valedictory / Prize Distribution Ceremony.

### **COMPETITION FORMAT:**

- Each team will consist of:
  - a) Mediator
  - b) Mediating pair: Client and Client's Advocate
- An individual mediation brings together performers from four different teams each representing a different institute. For each mediation session, there shall be two Co-Mediators (from two different teams), Client & Client's Advocate of two different sides.

### **The Mediation Session shall begin with the Opening Remarks of all parties:**

- Each mediation session commences with the Co-Mediator's opening remarks. The time for opening remarks is limited to four (04) minutes for both the Mediators. The Co-Mediators decide who shall speak first or allocate between them the points to be made.



- After the Mediators' opening remarks, the advocates on both the sides shall make the opening remarks, which shall be limited to two (02) minutes per side

**During the mediation session, the Mediator and the team have the right to call for a caucus in accordance with the following rules:**

- During any caucus, the competition team or members of competing teams not part of caucus shall leave the chamber. The judges, mediators and observers shall remain in the chamber.
- Any caucus in a mediation session shall not exceed ten (10) minutes (2.5 minutes per team for preliminary round and 5 minutes for finals and semi-finals).
- Caucus shall take place between a mediator and both members of a competing team.
- Each competing team has the right to call for caucus during mediation. Both the mediators have a right to call for caucus during mediation.
- Competing team members who are not participating in a caucus may talk to each other outside the room during a caucus.
- There shall be a **maximum** of two (02) caucuses per mediation session. The second caucus shall be subject to the approval of the judges.
- There may be a conference between all the parties in arriving at an amicable solution, which shall not exceed five (05) minutes in total.
- The closing remarks of the mediating pair shall not exceed one minute and thirty seconds (01:30) per side.
- The concluding remark of the mediators shall not exceed four (04) minutes collectively.

**TIME LIMIT:**

- Preliminary Round: Each mediation session shall be for 25 minutes and no extra time will be granted.
- A mediation session comprises of:
  - Opening Statement of Co-Mediators [2 minutes each]
  - Opening Statement of Client-attorney Team [2 minutes each]
  - Caucuses and Conferences [10 minutes] (Co-Mediators have the discretion)
  - Closing Statement of Advocate-Client Team [1.5 minutes each]
  - Concluding Remarks of Co-Mediators [4 minutes]
- Semi-finals and final round: Each mediation session shall be for 40 minutes and no extra time will be granted.

- A mediation session (for semi-final and final round) comprises of:
  - Opening Statement of Co-Mediators [4 minutes each]
  - Opening Statement of Client-attorney Team [4 minutes each]
  - Caucuses and Conferences [18 minutes] (Co-Mediators have the discretion)
  - Closing Statement of Advocate-Client Team [1.5 minutes each]
  - Concluding Remarks of Co-Mediators [3 minutes]
- It is the mediators' discretion as to how they want to conduct the session including any procedure they deem fit for mediation.
- There shall be a post- mediation Session for five (05) minutes. During this session, the judge(s) may ask questions to the teams.

**JUDGING CRITERIA:**

- Mediators and advocate/client teams are separately scored. In each round, the co- mediators are scored against each other and the advocate / client teams are scored against each other.
- The categories for judging mediators are:
  - a) Opening Statement of the Mediator;
  - b) Conduct of the joint sessions and caucus;
  - c) Ability to identify and formulate issues;
  - d) Techniques such as reframing, questioning, identifying interests and finding common ground;
  - e) Cooperation between mediators;
  - f) Control of mediation session; and,
  - g) Innovative option generation
- The categories for judging Advocate / Client teams are:
  - a) Client's Opening Statement;
  - b) Advocate's Opening Statement;
  - c) Focus on client's interests by the advocate;
  - d) Respect for the settlement goal of the process;
  - e) Cooperative attitude between Client and Advocate;
  - f) Client communication;
  - g) Overall evaluation; and
  - h) Innovative option generation.

### **MEDIATORS:**

- Each mediator must make opening remarks of no more than two (02) minutes each in prelims and four (04) minutes in finals.
- The mediators can decide who goes first and whether they will coordinate their remarks or make them independently. Each co-mediator must conduct a caucus during the mediation—it can be immediately after the parties’ opening statements or later, at the mediators’ discretion.
- The co-mediator not conducting the caucus shall observe and may ask clarifying questions at the end of the caucus. Thereafter, the co-mediators can use a conference or caucus format as they wish, though they must conduct at least one conference session.
- The mediators should try to ensure that caucuses are not used by parties to create unfair competitive advantage—e.g., by staying in caucus for extended periods of time so that the other advocate/client team is deprived of time in front of the judges.
- The mediators are responsible for ensuring that caucus time and conference time is used effectively.

### **ADVOCATES AND CLIENTS:**

- The Client-Attorney team will each offer a brief summary of the facts and their client’s goals for the mediation after the mediators’ openings.
- During the balance of the mediation, whether in caucus or conference, the advocates and clients should work together and with the mediators to achieve the clients’ goals.
- The advocates and clients should act realistically and professionally in the spirit of mediation. Advocates and clients may not bring any pre-prepared material to the mediation, other than notes for their personal use.
- Only photographs or documents from the General Information may be shown to the mediator or other party during the mediation, unless the Confidential Information includes a visual aid of some kind and specifically permits the advocates and clients to use it during the mediation.

### **JUDGES:**

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

- Students may not at any time confer with the judges until their ballots have been turned in. Thereafter the judges may provide a short critique.

### **CASES TO BE MEDIATED:**

- In each round the same case will be used for all mediations.
- The case packet will include a common set of facts (“**General Information**”) disclosed to both sides and the co-mediators and a separate confidential fact sheet given to each side ten minutes before the mediation round. (“**Confidential Information**”).
- The mediators will not receive the confidential fact sheets. Each of the two (02) Preliminary Rounds and the Semi-Final and Final rounds will involve a different case.

### **LAWS APPLICABLE:**

The problems shall be broadly based on but not completely limited to the following laws and participants are expected to have knowledge of any other ancillary laws and procedures:

- a) Contracts & Property Laws
- b) Consumer Protection and Tort Law
- c) Family Law
- d) Criminal Law
- e) Mergers and Acquisition

## **NEGOTIATION**

### **(RULES & REGULATIONS)**

#### **AIM AND PURPOSE:**

- To practice and improve negotiation skills.
- To provide a platform for law students to compete in a truly diverse and an international environment, making negotiations more complex than usual.
- The competition is carefully structured to simulate legal negotiations, particularly for those students who aspire to be international lawyers.
- To act as lawyers, to negotiate a series of legal simulations.

#### **TEAM COMPOSITION:**

- Each team shall consist of two (02) participants only.
- The participants shall be from any of the 3 year or 5 year LLB course.
- Teams may not be altered after registration.
- Registration Fees for Negotiation event is Rs.1500/-.

#### **ROUNDS:**

##### **NUMBER OF ROUNDS:**

- (a) Two (02) Preliminary Rounds,
- (b) Quarter Rounds
- (c) Semi - Final Rounds, and
- (d) Final Round

##### **PRELIMINARY AND QUARTERS ROUNDS:**

- There will be two (02) preliminary rounds.
- In a Negotiation Session, each Participating Team will be represented by no more than two eligible students with one taking the role of "Attorney" and the other taking the role of "Client", and vice versa for second preliminary round.
- Top eight (08) teams from Preliminary Rounds shall qualify for Quarter Rounds and top four (04) teams from Quarter Rounds shall qualify for Semi-Final Rounds. In case of ties, the rules given below will be applicable.

### **SEMI-FINAL ROUND / FINAL ROUND:**

- The Semi – Final Rounds shall be held simultaneously in different rooms judged by different panel of judges.
- Top two (02) teams from the Semi - Final Rounds shall go to the Finals on the basis of team scores.
- In case of a tie, the rules given below will be applicable.
- There will be a Semi – Final and Final Round.

### **TIE BREAKER**

- For the first tie breaker, it will be a win-win situation.
- In case of a second tie breaker, the aggregate scores will be compared.

### **RESULTS:**

- Results will be announced within sixty (60) minutes after the completion of the Preliminary and Semi - Final Rounds. The Final result and the winners of the various categories will be announced only during the Valediction / Prize Distribution Ceremony.
- Participating Teams who were not able to qualify to Final are required to stay back and attend Final Rounds and Valedictory / Prize Distribution Ceremony on March 01, 2020 (Sunday).

### **TIME LIMIT:**

- In the Preliminary Rounds and Quarter Rounds, each Negotiation Session will consist of 30 minutes, a break-up of which is as follows:
  - 20 minutes for the Negotiation Session;
  - 06 minutes (03 minutes per Participating Team) for the Question Session, consisting of questions from the Judges; and
  - 04 minutes for the Scoring Session, during which the Judges score the Participating Teams and their Negotiation Plan and may give feedback.
- In the Semi-Final and the Final Rounds, each Negotiation Session will consist of 45 minutes, a break-up of which is as follows:
  - 30 minutes for the Negotiation Session;
  - 10 minutes (05 minutes per Participating Team) for the Questions Session, consisting of questions from the Judges; and
  - 05 minutes for the Scoring Session, during which the Judges score the Participating Teams and their Negotiation Plan (if relevant) and may give feedback.

- The Judges will have complete discretion to alter the restriction on time limits and/or impose a penalty for failing to adhere to time limits for the Actual Negotiation Session prescribed herein

## **NEGOTIATION STIMULATION**

### **SESSIONS:**

#### a) Negotiation Session

Teams shall discuss their strengths keeping into mind their weaknesses and try to reach out the best possible outcome from the perspective of their clients.

#### b) Question Session

Teams must analyse their own performance in the negotiation session. The same shall take place in absence of opposite Participating Team. The Team may use this as an opportunity to explain their tactics in the negotiation session. The discussion is required to be aloud for the judge to hear the self-analysis between the Attorney – Client. The judges may ask questions during this session.

## **PRELIMINARY AND QUARTERS ROUNDS:**

- The 16 Participating Teams will be divided into 2 or 4 pools each by a draw of lots and 2 or 4 chambers will be allotted corresponding to the 2 or 4 pools respectively.
- A separate draw of lots will determine the side / party which a Participating Team will represent in the Negotiation Simulation in their respective chambers.
- Each chamber and pool may have a different topic for the Negotiation Simulation.
- The four Negotiation Simulations for the Preliminary Rounds of the Competition shall be mailed to the registered Participating Teams. Each of these Negotiation Simulations shall be based upon the following four different areas of law:
  - a) Law of Contracts;
  - b) Income Tax Law;
  - c) Competition Law;
  - d) Merger & Acquisition;
  - e) Intellectual Property Rights;
  - f) Corporate Law

### **SEMI FINAL ROUNDS:**

- The four (04) Participating Teams that qualify for the Semi Final Rounds will be divided into 2 pools of 2 Participating Teams each by a draw of lots and 2 chambers will be allotted corresponding to the 2 pools.
- A separate draw of lots will determine the side/party which a Participating Team will represent in the Negotiation Simulation in their respective chambers.
- The Negotiation Simulation for the Semi Final Rounds shall be provided to the Participating Teams qualifying for the Semi Final Rounds. However, the Privileged Information (if any) shall be provided half hour (1/2) before the Semi Final Rounds.

### **FINAL ROUND:**

- The Final Round shall comprise of the two (02) Participating Teams that qualify from their respective chambers in the Semi Final Round.
- A draw of lots will determine the side / party which the Participating Teams will represent in the Negotiation Simulation.
- The contract to be negotiated shall be provided for perusal to the qualifying teams at the time of declaration of results of the Preliminary Rounds.
- However, the Privileged Information for each of the teams shall be provided one (01) hour prior to the commencement of the Final Round to only two (02) qualifying teams.

### **JUDGING CRITERIA:**

- a) Opening Statement
- b) Team Co-ordination
- c) Knowledge of Law
- d) Recognition of Key Issues of Dispute
- e) Establishment of Relationship with Opposite Party
- f) Consideration of Best Interest of Party
- g) Originality and Workability of Suggested Solution.



