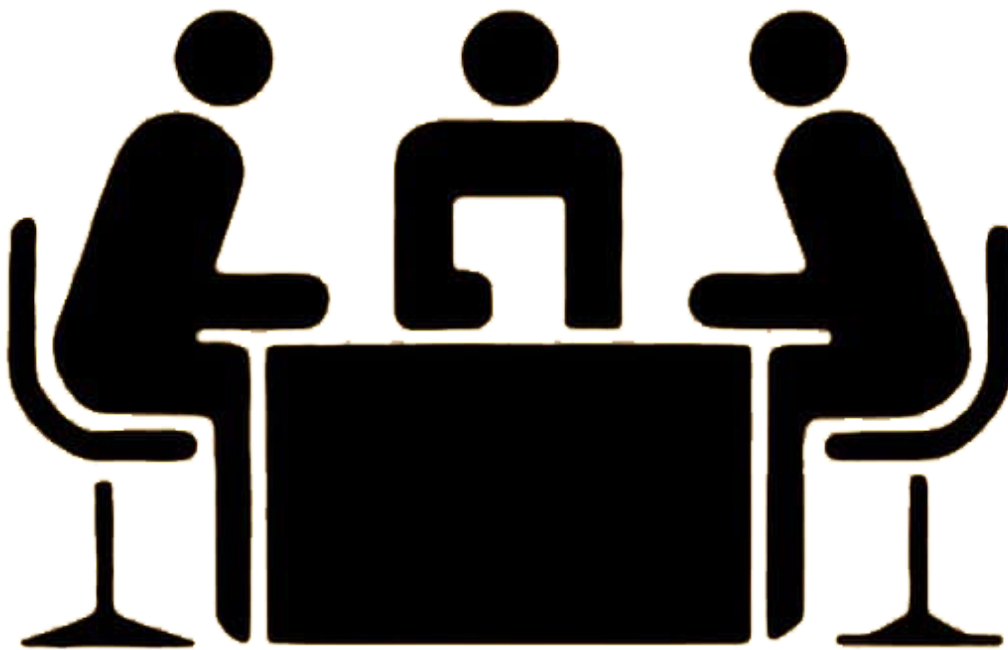




Kovise Foundation
Conflict Resolution
International



Virtual National Mediation Competition Rules



Our Media Partner



RULES

I. Language:

The medium of the Competition shall be English and the participants are prohibited from conversing in any other regional languages.

II. Structure of the Competition:

1. The Competition shall be conducted from 10-12 September, 2020.
2. The Competition consists of one Preliminary Round and one Quarter-final Round and one Semi-final Round and one Final Round.
3. The Participants will be allotted their side for the Preliminary Round in advance and the participants are required to prepare a Mediation Plan for the same.
4. The highest scoring Client-Counsel pairs and Mediators from the preliminary rounds shall advance to the Quarter-final Round. The qualification to the Semi-final Round and Final-Round shall be on a knock-out basis, with the best teams.
5. For the Preliminary Round, the scores shall be the total of the marks secured by the Client-Counsel pair in the oral rounds and Mediation Plan. In the event of two Client-Counsel pairs having the same score, the one with the higher score in the oral rounds shall advance to the Quarter-finals.
6. The mediation session shall consist of two Client-counsel pairs representing each side and two mediators. The qualification of the Mediator and Client-Counsel pair are independent of each other.

III. Team-Composition:

The participants are allowed to register themselves either as a Team comprising 3 members, namely Client-Counsel pair (2 members) + Mediator (1 member) or independently for Client-Counsel (2 members) and independently for Mediator (1 member).

*The members of the Client-Counsel pair are free to switch their roles and the same has to be informed to the organisers before the mediation session begins.

IV. Eligibility:

The Competition is open for students pursuing their five-year/three-year bachelor's degree in law or masters in law from any recognised University/College in India. Team members may be from different educational Institutions and there is no cap on the number of participants/teams per University.

V. Confidential information:

Each problem shall consist of a General Information and a separate Confidential Information for the requesting and responding party. The teams shall be given the General Information and the Confidential Information for the preliminary rounds in advance. The General Information for the Quarter-final, Semi-final and Final rounds shall also be given in advance. However, the Confidential Information and assignment of roles for the Quarter-final, Semi-final and Final rounds will be provided at the end of the Preliminary round, Quarter-final and Semi-final rounds, respectively.

The Mediators shall not be given the Confidential Information and teams consisting of three members (Client-Counsel paid and Mediator) are absolutely prohibited from disclosing the Confidential Information to their Mediator, or to any other participant in the Competition. The Mediators participating shall at no time prior to their Rounds have access to the Confidential Information for either party for the respective Round and neither competing Client and Counsel Pair shall have access to the Confidential Information of the Opposing Party at any time prior to their respective Round. The violation of this Rule may lead to the disqualification of the team concerned at the discretion of the Organising Committee.

VI. Mediation plan:

Each Client-Counsel pair shall submit a Mediation Plan. The Mediation Plan shall strictly conform to the 2 pages and the requirements as specified below, the non-conformity of which may lead to the imposition of penalties. The rules for the mediation plan are as follows-

- Font- Times new roman
- Font size- 12
- Line spacing- 1.5
- Margins- 1 inch (all four sides)
- Number of pages (sides)- 2

The plan is to be submitted on or before 9th September 2020 (23:59 hrs IST) in both pdf and word format to kfcri.mediation@gmail.com

The team codes must be laid out on the top of the first page of the plan. No reference may be made to the names of universities or participants. The plan will be disqualified if this rule is violated and the team will be given no points for it.

VII. Scoring criteria:

a) For Mediation Plan:

1. BATNA & WATNA –

- a) How thorough and realistic is the Best and the Worst alternative to the negotiated agreement for the party?
- b) How well has the team identified the best and the worst alternative to the negotiated agreement for the other party?

2. STRENGTHS & WEAKNESSES –

- a) Has the team identified and explained the relevant strengths and weaknesses of their own side?
- b) Has the team identified the potential strengths and weaknesses of the other side?

3. NEEDS & INTERESTS –

- a) Has the team identified the party's needs and interests in this particular mediation scenario?
- b) Has the team identified the potential needs and interests of the other party?
- c) Has the team laid out interests in a broad and open-ended manner?
- d) Has the team identified mutual and conflicting interests?

4. GOALS & OBJECTIVES -

- a) Has the team laid out the party's main goals and objectives while coming to the mediation table?
- b) Has the team prioritised their goals and objectives?
- c) Has the team defined what the goals and objectives of the other party might be?

5. CONCESSION STRATEGY –

Parties are required to lay out what concessions they may have to make and to explain the reasoning behind each concession. If the strategy is dealing purely with monetary figures, the parties need not lay out exact figures and may simply explain the increment or reduction plan they intend to follow (for instance- will their concessions get larger or smaller as time goes on in the session?)

b) For Mediator:

1. OPENING STATEMENT – has the Mediator managed to-

- a) Explain the mediation process and its advantages?
- b) Explain the importance and meaning of neutrality, impartiality and confidentiality?
- c) Lay out the structure of the session?
- d) Explain the extent and limitations of his/her role?
- e) Explain the purpose and scope of caucuses and cross caucuses?

2. ESTABLISHING A CORDIAL ENVIRONMENT – has the Mediator-

- a) Set out/ assisted in the setting out of ground rules?
- b) Made the parties comfortable with him/her, the setting and with each other?

3. INFORMATION GATHERING - has the Mediator-

- a) Framed questions in a manner conducive to receiving the maximum relevant information? (for instance, are the questions open-ended or closed? Are they framed narrowly or broadly?)
- b) Gained the trust of the parties so as to get confidential information?
- c) Maintained a neutral and unbiased image while asking questions?
- d) Assisted the parties in identifying their own interests?
- e) Managed time efficiently?

4. USE OF CAUCUSES - has the Mediator-

- a) Ensured that parties understand the confidentiality of a caucus?
- b) Called a caucus for an appropriate purpose?
- c) Acquired the relevant information/ accomplished the desired task within the prescribed time?
- d) Used caucuses in a balanced way with respect to the time and opportunity given to both parties?

5. COOPERATION BETWEEN MEDIATORS – have the Mediators-

- a) Collaborated effectively on their opening statement?
- b) Worked with each other during the information gathering and option generation phases?
- c) Used a similar and consistent approach towards the parties?
- d) Supported each other throughout the process and worked as a team? (The scores of the two mediators shouldn't be drastically differing under this heading, unless there are exceptional circumstances)

6. FACILITATING OPTION GENERATION – has the Mediator-

- a) Encouraged parties to be realistic and ethical in their approach to a settlement?
- b) Ensured that all necessary elements of the problem are dealt with in the options generated?
- c) Encouraged parties to view the session as positive sum game (win-win options are available)?

7. PROFILING PARTIES' INTERESTS - has the Mediator-

- a) Determined what the crucial interests and needs of each party are?
- b) Identified the common and conflicting interests?
- c) Helped the parties in identifying their own interests?
- d) Helped parties separate their interests from their positions?
- e) Identified zones of possible agreements in order to bring the parties closer to settlement?

8. EFFECTIVE MEDIATION STRATEGY - has the Mediator-

- a) Maintained impartiality, neutrality and confidentiality throughout the session? (for instance- have they given equal time and consideration to both sides?)
- b) Used common and conflicting interests effectively?
- c) Facilitated an open conversation and intervened at the right moment?
- d) Summarised and rephrased whenever appropriate?
- e) Managed time efficiently throughout the session?
- f) Dealt with emotions in a manner that is conducive to a peaceful and successful session?

c) For Client-Counsel pair

1. INTRODUCTION / OPENING STATEMENT –

- a) Are the team members "in character" (consider body language, dress code, seating etc)?
- b) Has the party appropriately summarised the factual matrix so far?
- c) Has the party set a cordial tone for the session (consider politeness, willingness to listen, willingness to be accommodative, etc)?
- d) Has the party conveyed its interests succinctly?
- e) Has the party shown its willingness to collaborate?

2. TEAM WORK – how well were the roles divided between the client-counsel pair? Did the division of roles suit the undertaken strategy?

- a) Have both team members divided subject matter in an equitable and role-appropriate manner?

- b) Have the members communicated effectively with each other (for instance- are they interrupting or contradicting each other? Is one team member speaking over the other? except when one team member is making a blatant error as to facts or is misrepresenting their settlement authority or creating self-serving additional information)
- c) Do the mannerisms of both team members indicate that they are comfortable working with each other and/or trust each other?

3. IDENTIFYING & ADVANCING PARTY'S INTERESTS –

- a) Did the team distinguish between the positions and interests of the other party?
- b) Did the team use objective criteria in advancing its needs and interests?
- c) Did the team attempt to understand and respect the interests of the other party?
- d) Did the team understand which interests are mutual and which are conflicting and use this to their advantage?
- e) Did the team show flexibility in the light of new/ unforeseen information?
- f) Did the team manage to secure all/ most of their primary interests? If not, did they concede on an interest as a strategic choice?

4. USE OF CAUCUS – (If called by the team)

- a) Was the caucus called for an appropriate reason?
 - b) Was time managed efficiently during the caucus?
 - c) Were underlying interests and issues identified?
- If a cross-caucus was called, both teams should be given a similar score for its use as it is required to be a mutual exercise.

5. USE OF MEDIATOR –

- a) did the team use the mediator's help at the right time and in a suitable manner?
- b) Did the team react constructively to the mediator's interventions?

6. INFORMATION GATHERING –

- a) Has the team displayed active listening skills?
- b) How broadly has the team defined the idea of relevant information?
- c) Has the team gathered all the information it would need to distinguish between positions, needs and interests of the other party?

7. COLLABORATING WITH THE OTHER PARTY AND CREATIVE OPTION GENERATION –

- a) Did the team show flexibility and actively collaborate with the other party?
- b) Did the team attempt to build trust and a mutual relationship?
- c) Did the team participate in a brainstorming process and come up with creative solutions?
- d) Did the team come up with solutions that have a legitimate basis and are feasible in the long run?
- e) Was the team open minded about the ideas of the other party?
- f) Did the team combat impasse/ other obstacles efficiently?
- g) Did the team discuss settlement terms in sufficient detail?
- h) How well did the team's options advance its own interests?

8. OVERALL NEGOTIATION STRATEGY –

- a) Did the team manage its own time efficiently?
- b) Did the team use its BATNA at the right moment(s)?
- c) Did the team use its confidential information strategically?
- d) Did the team negotiate in good faith and use ethical and legitimate methods?
- e) Did the team deal with concerns and emotions appropriately?

VIII. Duration:

Each preliminary round as well as the quarter finals will last for a total of 60 minutes. The semi-final and final rounds will last for 90 minutes each. The time will run even during the caucuses. Fifteen minutes in each round will be allotted for the purpose of post-mediation feedback, with five minutes allotted to the mediators, Clients and the Counsels.

These fifteen minutes will form a part of the total time of each round. The participants may be questioned on their performance and may be asked to explain their strategies, decisions, etc. This session will be marked and will contribute to the overall score of the team. Thereafter, 15 Minutes shall be allotted to the judges for the judging and scoring of the session. The timings will be indicated by the coordinator present during each round.

IX. Caucuses:

1. During each Mediation Session the Mediator and the Competing Teams have the right to call for Caucuses in accordance with the following provisions:

- Each Caucus may last no longer than five minutes.
- Caucuses can take place between the Mediator and both members of a Competing Team (a Caucus) or between the Mediator and either the Counsel from both Competing Teams or the Clients from both Competing Teams (a Cross-Caucus);
- Each Competing Team has the right to call for one Caucus and for one Cross-Caucus during a Mediation;
- The Mediator may call for one Caucus with each of the Competing Teams during a Mediation;
- The Mediator may call for one Cross-Caucus with the Counsel from each Competing Team and one Cross-Caucus with the Clients from each Competing Team during a Mediation;
- Competing Team members who are not participating in a Caucus may not talk to each other outside the room during a Caucus.

2. Competing Teams should call for a Caucus when they consider they need input from the Mediator or there is confidential information they aren't comfortable disclosing to the other party. A Competing Team's reasonable use Caucuses will be evaluated. A Caucus should not be used to seek clarification of the Competition Rules or any procedural matter.

X. Penalty:

If a violation of the Rules is considered to have been committed by a Team or one of its members, the Organising Committee may in its own absolute discretion, upon its own initiative or a recommendation from one or more Judges, as the case may be, impose a Penalty or disqualify a member of a Team or a whole Team.

XI. Anonymity rule:

Subsequent to successful registration, the participants shall be allotted a team-code, which will be used for identification. All communications pertaining to the competition shall be made with reference to the team-codes allotted.

The participants are strictly prohibited from disclosing any details regarding their universities to the panelists in any manner and in the Mediation Plan as well. Non-compliance to the aforementioned rule shall amount to instant disqualification of the team.

XII. Clarifications:

Clarifications to the mediation problems and confidential information shall be sent to the organizing committee by writing to kfcri.mediation@gmail.com. On or before 7th September 2020.

Clarifications shall be requested only when there is an ambiguity or a possible confusion in the problem. Clarifications shall not be sought for obtaining additional information, as the problems are self-contained.

XIV. Rules pertaining to the online mediation session:

1. The participants shall enter the Zoom meeting room with the Meeting ID and Password which will be sent to them prior to the meeting at the scheduled time.

2. The name of the participant in the zoom meeting shall be the Team Code followed by their role (For eg. Team KC-01 Client) and for Mediators it shall be their respective Code followed by "Mediator" (For eg. KM-01 Mediator).

3. The participants shall make sure that they have an active and healthy network connection.
4. The participants must switch on their video and audio at all times. They should also make sure that they have a plain and silent ambiance devoid of any disturbances.
5. The dress code of the event shall be business formals for all the participants.
6. During the caucus, the participants shall be moved to separate break-out rooms within the Zoom meeting for the specified period.
7. The Client and the Counsel of one team are permitted to communicate to each other only through the chat box which permits to send private messages.
8. The participants shall leave the Zoom meeting once the session has ended.
9. For any technical glitches during the session, the participants can reach out to the Technical Support team at +91-984060968, +91-9003184869, +91-9042343543.