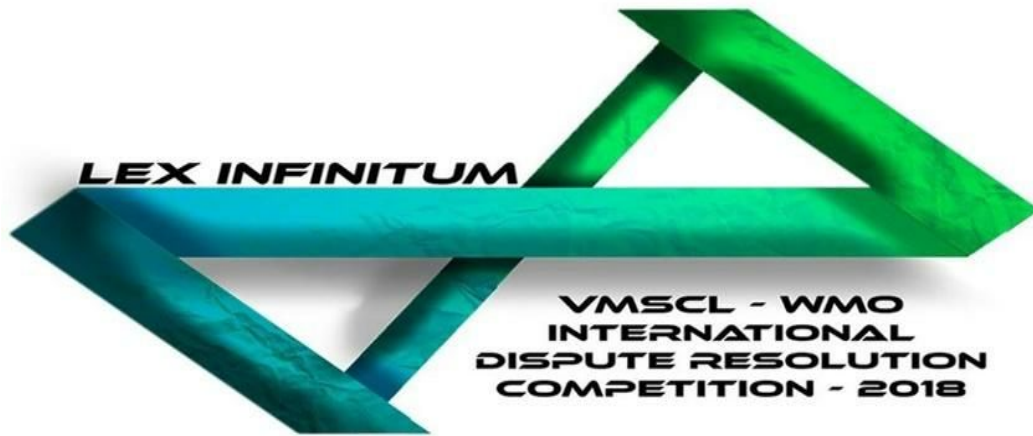


VMSCL – WMO
INTERNATIONAL DISPUTE RESOLUTION COMPETITION,
2018
Guidelines & Rules



10 January 2018 – 13 January 2018, Goa, India

1. GENERAL

1.1. The Third Edition of Lex Infitum: VMSCL-WMO International Dispute Resolution Competition, 2018 will be held at V.M. Salgaocar College of Law, Goa from 10th to 13th January, 2018.

1.2 The Event will begin on 10th January 2018 with a Workshop for the Participants. The Competition Sessions will be held over the next three days, 11th to 13th January 2018.

1.3 Teams mediate and negotiate moot problems complemented by Confidential Information. The Negotiator Teams will compete in four Preliminary Rounds which are followed by three more rounds, i.e. the “Second Round,” the “Semi-finals” and “Finals”. The Mediator, will compete in two Preliminary Rounds which are followed by the “Second Round”, and the “Finals”.

2. PARTICIPATION AND ELIGIBILITY

2.1 ELIGIBILITY OF TEAMS

2.1.1 The Competition is open to all *bonafide* students of Law Schools, Law Colleges, or other Institutions/ and Universities (hereinafter “Institution”) where in the Participants are primarily engaged in the study of Law. Each Institution is permitted to enter only one “team” (see Section 2.3) in the Competition



2.1.2 All Participants must be registered in their respective institutions as full-time students or part-time students or exchange students for the academic year 2017-2018.

2.2 TEAM FORMATION

2.2.1 Each team shall comprise of 3 students: 1 Mediator and 2 Negotiators (Negotiator Team).

2.2.2 One Member of the Team will be designated as Mediator, and the role will remain unchanged throughout the Competition. The other two members of the team will be the designated Negotiators, representing a Client and his/her counsel, during the negotiation role play. The roles of Client and Counsel are interchangeable at different rounds during the competition, but not during the course of the role play in the same round.

2.3. COACH AND OBSERVERS

2.3.1 Each team may nominate a single Coach who maybe a Professor, Assistant or Adjunct Professor, Qualified Lawyer, Lecturer in ADR, Mediator, Mediation or Negotiation Trainer.

2.3.2 Each team may nominate Observers who must be full time or part time students of the same institution. (See Rule 3.5.1 below)



2.3.3 The registered Coach alone will be permitted to interact with the team during the preparation time, after the distribution of Confidential Information (hereinafter “CI”). The teams shall not communicate with anyone other than the registered Coach after CI is issued. During the sessions the Teams shall not communicate to anyone except the other negotiating team and the mediator.

2.3.4 The Coach and Observers may attend and observe the Competition Sessions involving their team but will not be allowed to communicate with the Team while the round is in progress.

3. APPLICATION AND REGISTRATION

3.1 All applications must be fully completed and registered online on the Official Website – www.lexinfinitum.in . The last date for registration of a Team is **15th October 2017**.

3.2 The Selection Committee, consisting of V.M.Salgaocar College of Law and the Advisory Committee, will shortlist a total of 24 Colleges as Selected Teams. The names of the selected teams will be posted on the Official Website on **17th October 2017**, and the same will be communicated to the Selected Teams.

3.3 The Selected Teams will have time till **15th November 2017** to complete the Registration Process and pay the Registration Fee, failing which they will forfeit their spot in the Competition.

3.4 In the event of a Selected Team forfeiting its participation in the Competition, the Selection Committee may replace the said Team and offer



participation to any other Applicant Team which has registered to participate in the Competition.

3.5 REGISTRATION FEES FOR THE PARTICIPANTS

3.5.1 International Team comprising of three Students: USD 500/-

The team may be accompanied by one Coach and/or Observers who will be charged **an additional \$100 each** which will entitle them to Registration, Lunch, Competition and Invitation to the Inaugural, Valedictory and Socials.

If such Coach and/or Observers would like the Organizers to provide accommodation, they will be charged a total fee of \$300 each which will entitle them to Registration, five days of Accommodation, Breakfast & Lunch, local transport to and from the Competition and event venues and invitations to the Inaugural, Valedictory and Socials. Such team Coach and/or Observer shall not be a person who is attending Lex Infitum 2018 as an Expert Assessor.



3.5.2 National Teams comprising three Students: INR 12000/-

The team may be accompanied by one Coach and/or Observers who will be charged an **additional INR 4,000/- each**, which will entitle him/ her to Registration, Lunch, Competition and invitations to the Inaugural, Valedictory and Socials.

3.5.3 However, the Organizing Committee will arrange accommodation for Coach/ Observer, along with their respective Team members, on request. The Coach/ Observers are requested to email the Organizing Committee to lexinfinitum.vms@gmail.com, for further details.

4. ACCOMMODATION & TRAVEL

The Organizing Team will provide the following:

4.1 Accommodation to all Participating Teams. Accommodation will be provided to the Coach and observers, where the Accommodation Fee, as applicable, has been paid.

4.2 Local Transportation for the Participating Teams (including the Coach and the Observers) for the Event days for the purpose of the Competition and social/networking events. Please note, this does not include pick up and drop from the airport/station to the Accommodation.

4.3 Lunch and Breakfast on all Competition days for the Participating Teams. The Coaches and Observers who have paid the registration fee will be provided lunch, and if Accommodation fee is paid, breakfast will be included as well.



4.4 Invitation to the Participating Teams (including the Coach, and the Observer) to the Inaugural and Valedictory Dinner and other social/networking events.



5. COMPETITION SESSIONS

5.1 LANGUAGE

5.1.1 All Competition Sessions will be conducted in English.

5.1.2 The Negotiators (client + counsel) of the same team are allowed to talk in other languages during their breaks, and only among themselves. During the session, they cannot converse with the mediator or the other team in any other language, besides English.

5.2 TEAM PARTICIPATION

5.2.1 Three teams will participate in one Competition Session. Two Teams (Negotiator Teams) will be the Requesting and Responding Parties respectively. The third Team will be a Mediator for the Session.

5.2.2 For the Preliminary Rounds, the Organizing Committee will assign the Negotiator Teams and Mediator for each Session and decide the roles of the Negotiators Teams (Requesting/Responding Party). To avoid any conflicts, the Mediators will not be assigned to sessions in which a Negotiator Teams belongs to the same Institution as that of the Mediator.

5.2.3 The team fixtures for all the Preliminary Rounds will be provided in advance on **5th December 2017**

5.2.4 For the Second Round, Semi Final Round and Final Round, the fixtures will be decided on the basis of draw of lots.



5.2.5 The Final Round of the Negotiation Competition will be mediated by an Expert Professional Mediator selected by the Organizing Committee. This would mean that the Semi Final Round of the Competition will in fact be the Final Round for the Mediators.

5.3 ASSESSMENT

Expert Assessors will be selected by the Organizing Committee to score the performance and provide feedback to the students to help them move through the Competition rounds.

5.4 CONFIDENTIAL INFORMATION AND PREPARATION TIME

5.4.1 Each Negotiator Team will be provided separate Confidential Information 30 minutes before the start of each Session which will be their Preparation Time. The Mediator will not be provided any Confidential Information.

5.4.2 Each Negotiator Team along with its Coach will be provided a space to discuss the Confidential Information between them. The Negotiators and the Coach are not be permitted to have any contact or communication whatsoever with any person including, the Mediator and the Observers once the Confidential Information has been provided.



5.5 BREAK

5.5.1 Each Negotiator Team and the Mediator may request for one Break during each session.

5.5.2 Where any team, whether Negotiator or Mediator, asks for a Break, Both Negotiator Teams will be required to leave the room.

5.5.3 A Break may be for a maximum of 3 minutes only. The Team requesting the break will be responsible for adhering to the time limit. Failure will result in a penalty. The penalty will be decided by the Expert Assessors assessing the Round.

5.6 CAUCUS

5.6.1 The Mediator may conduct a private session, i.e., a 'Caucus', with each of the Negotiator Teams. A Caucus may be called by a Negotiator Team or by the Mediator. The Negotiator Teams and the Mediator may call for one caucus each. The Members of the Team that are not part of the Caucus will be required to leave the room during that time.

5.6.2 A Caucus may be for a maximum of 5 minutes. The Mediator will be responsible for managing the Caucus and adhering to the time limit. Failure to adhere to the time limit will result in a penalty. The penalty will be decided by the Expert Assessors assessing the Round.

5.6.3 'Caucus' includes a 'Cross – Caucus', i.e., a private session including only Clients and Mediator or only Counsels and Mediator. If a Client has called for a



Cross Caucus, both the Counsels will leave the room during the time the Clients have the caucus with the mediator. Similarly if a Counsel calls for a cross caucus, the clients will leave the room during that time.

5.7 TIMEKEEPING

5.7.1 A Mediation Session Supervisor will be appointed by the Organizing Committee during the Mediation Sessions. The Mediation Session Supervisor's decision on timekeeping is final.

5.7.2 The Negotiator Teams and the Mediator are, however, responsible for managing their time and adhering to their time limit as according to the rules of the Competition.

5.8 REFERENCE MATERIAL, GADGETS AND HAND OUTS

5.8.1 Teams are permitted the use of materials supplied by the Organizing Committee, personal notes and stationery items.

5.8.2 Electronic gadgets are not permitted, with the exception of Calculators and Watches, which may be allowed.

5.8.3 During the Mediation Session, the Negotiator Teams may present one handout only, limited to one sheet of A4 size paper (one-sided), which can include any kind of content (pictures, diagrams, graphic representations, drawings, text or others). Copies of this handout shall be given to the Mediator and the Expert Assessors when first produced by a Negotiator Team. Competing Teams are permitted to write on this handout during the course of the Mediation.



5.9 DRESS CODE

Dress code for the Competition is Business Formal.

5.10 PHOTOGRAPHY/FILMING

Participants are deemed to have agreed to the use of photography or videotaping by the Organizing Committee, during the competition sessions and other official events. Any special requests, seeking exclusion to the above, may be conveyed to the organizers in writing, on the first day of the competition.

6. COMPETITION FORMAT

6.1 PRELIMINARY ROUNDS: DAY 1 (FULL) AND DAY 2 (MORNING SESSION)

- 6.1.1 All Negotiators (24 Negotiator Teams) will participate in four Preliminary Rounds. As there are 24 Mediators, each Mediator will have two Preliminary Rounds to compete in.
- 6.1.2 Preliminary Rounds 1 to 4 will consist of a total of 48 mock mediations taking place over eight Sessions, of which six sessions will be on Day 1 and two sessions will be on Day 2. The Competition schedule and matchups shall be provided by the Organizing Committee in advance.
- 6.1.3 Negotiator Teams will compete using Problem No. 1 in Preliminary Rounds 1 & 2, once as Requesting Party and once as Responding Party respectively. Negotiator Teams will then compete using Problem No. 2 in Preliminary Rounds



3 and 4, once as Requesting Party and once as Responding Party respectively.
(For more information on Problems, see Section 7.1)

6.1.4 The Roles, Sessions, and the Mediation Rooms will be assigned by the Organizing Committee so that all Negotiator Teams and Mediators of each session belong to different teams.

6.1.5 The duration of each session will be 60 Minutes, including Break and Caucus. An additional 30 minutes will be reserved for scoring (15 minutes) and feedback (15 minutes) at the end of each session.

6.1.6 Each session will be evaluated and scored by Two Assessors.

6.2 SECOND ROUND: DAY 2 (AFTERNOON SESSION)

6.2.1 The 12 highest scoring Negotiator Teams and the 6 highest scoring Mediators from their respective Preliminary Rounds will proceed to the Second Round.

6.2.2 Second Round will consist of a total of 12 mock mediations. The teams for Requesting Party in Session 1 will be Responding Party in Session 2 and vice versa.

6.2.3 The Roles and the Mediation Rooms will be assigned by the Organizing Committee based on draw of lots. However, the Organizing Committee reserves the right to change the fixtures in order to avoid the Mediator and Negotiator from the same institution, being in the same Mediation Room. The Organizing Team will endeavor to avoid (if possible) having two Negotiator teams competing



against each other twice in the same round or having the Mediator mediate twice for the same teams.

6.2.3 The duration of each session will be 60 Minutes, including Break and Caucus. An additional 30 minutes will be reserved for scoring (15 minutes) and feedback (15 minutes) at the end of each session.

6.2.4 Each session will be evaluated and scored by Two Assessors.

6.3 SEMI-FINAL ROUND: DAY 3 (MORNING SESSION)

6.3.1 The 4 highest scoring Negotiator Teams and the 2 highest scoring Mediators from second Round will proceed to the Semi-Final Round. This Round will be the Final Round for the mediators.

6.3.2 Semi-Final Round is a Knock-Out Round. There will be two simultaneous sessions for this Round.

6.3.3 The roles of the Negotiator Teams (as Requesting and Responding Party) and Mediation Room will be decided by a draw of lots. The Mediation Room for the Mediator will also be decided by draw of lots, unless allotment becomes necessary to avoid the Mediator facing a Negotiator Team from the same institution as his.

6.3.4 The duration of the Semi-Final Round will be 60 Minutes, including the Break and Caucus. An additional 30 minutes will be reserved for scoring and feedback at the end of each session.



6.3.5 The Winner and Runner-up in Mediator will be decided after the Semi-Final Round itself. However the results for the same will be announced only at the Valedictory Function

6.3.6 Each session will be evaluated and scored by Two Assessors for Negotiator Teams, and another Two Assessors for Mediator Teams.

6.4 FINAL ROUND: DAY 3 (AFTERNOON SESSION)

6.4.1 The winning Negotiator team from each Semi-Final Round will advance to the Final Round.

6.4.2 The Roles (as Responding Party and Requesting Party) of the two Negotiator Teams will be decided by a draw of lots.

6.4.3 The Final Round will be mediated by an Expert/Professional Mediator chosen by the Organizing Committee.

6.4.4 The duration of the session will be 70 Minutes, including Break and Caucus. An additional 30 minutes will be reserved for scoring and feedback at the end of the session.

6.4.5 The Final Round will be evaluated and scored by Five Assessors

7. NEGOTIATION PROBLEMS

7.1 The Competition will have 5 separate problems:

7.1.1 One Problem for the Preliminary Rounds 1 and 2, with different Confidential Information for Preliminary Round 1 and Preliminary Round 2



7.1.2 One Problem for the Preliminary Rounds 3 and 4, with different Confidential Information for Preliminary Round 3 and Preliminary Round 4.

7.1.3 One Problem for the Second Round with different Confidential Information, for each Session.

7.1.4 One Problem for the Semi Final Round

7.1.5 One Problem for Final Round.

7.2 The Competition Problems will be made available online on **15th November 2017** and shall also be communicated to the Participants.

7.3 The Teams must rely on the facts mentioned in the problem. Neither the Negotiators nor the Mediators are empowered to create any new facts. They may make arguments or statements that can be reasonably inferred from the facts mentioned in the problem and may substantiate their claims with general background information.

7.4 The Problem Drafting Committee and the Advisory Committee has the sole authority to interpret the Problem.

7.5 Clarifications: Teams will have ten days from the release of the problem to email any requests for clarifications. The last date to seek clarification will be the 25th November 2017. Thereafter, the Clarifications will be released on the Official Website and communicated to the Teams on 5th December 2017.



8. MEDIATION PLAN

- 8.1 Each Negotiator Team must submit a Mediation Plan each, for all four Preliminary Rounds by 28th December 2017. That is, for both the problems for the Preliminary Rounds, the Teams shall send a Mediation Plan each, for the Requesting Party and for the Responding Party.
- 8.2 The Cover page of the Mediation Plan must clearly indicate the following:
- (a) Name of the University/College
 - (b) The Problem No (1 or 2, as the case may be)
 - (c) The side (Requesting Party or Responding Party)
 - (c) The names of the Negotiators in the Negotiator Team.

Each page of the Mediation Plan shall contain a header, containing the name of the College/University, Problem Number and the side (Requesting Party or Responding party).

8.3 A Mediation Plan is each Negotiator Team's written case analysis. It should contain a case analysis evaluating the respective strategic strong points and weak points of the Requesting Party and the Responding Party, their respective needs and interests, their respective BATNAs, and their respective objectives and goals during the Mediation (See Criteria No.9 of the Score Sheet for Negotiator Team: Preliminary Round).



8.4 A Mediation Plan may be not more than 2 pages (A4 Size). Font style must be Times New Roman, 12.

8.5 The Mediation Plans will be scored by the Expert Assessors soon before the beginning of the mediation session of the Preliminary Rounds.

8.6 The scores received for a Mediation Plan will count towards that Team's overall score in the given Preliminary Rounds.

8.7 All four Mediation Plans for the Preliminary Rounds must be submitted by email to lexinfitum.vms@gmail.com, latest by **28th December 2017**.

9. SCORING

9.1 Throughout the Competition, the Negotiator Teams and Mediators will be evaluated and scored separately and may qualify for the subsequent rounds, independently of each other.

9.2 The scoring criteria for Negotiator Teams and Mediators may be found in the Scoring Sheets. (See Annexure A for Scoring Sheet for Negotiator: Preliminary Round; Annexure B for Scoring Sheet for Negotiator: Advanced Rounds and Annexure C for Mediator Scoring Sheet)

9.3 The Organizing Committee will select trained ADR Professionals, Mediators and Negotiator Teams to evaluate and score the performance of the Teams based on the Scoring Criteria. In addition to scoring they will provide feedback to the teams after each session



9.4 The scores shall not be revealed to the participants by the Assessors, but will be handed over directly to the Scoring Committee. All Announcements will be made at the end of the Rounds, **as to the teams qualifying to the next round.**

9.5 Expert Assessors will be assigned in the exclusive discretion of the Organizing Committee, and to the extent possible, will not be assigned to Score teams with which they have a known affiliation.

10. TIE BREAKER

10.1 TIE BREAKER FOR NEGOTIATOR TEAMS IN PRELIMINARY ROUND

10.1.1 The top 12 teams from the Preliminary Rounds shall qualify for the Second Round.

10.1.2 In case of a tie in the score of two or more Negotiator Teams in the Preliminary Rounds, the Team that will advance to the next round shall be decided on the basis of their scores, after subtracting mediation plan marks from the total score.

10.1.3 In case of a further tie, the qualifying team shall be decided on the basis of the marks secured for Criteria 3 (Advocating Interests), and in case the tie continues, on the basis of Criteria 9 (use of Mediator) in the Scoring Sheet.

10.1.4 In the unlikely event of a continuing tie, the team that will advance to the next round shall be decided by coin toss.

10.2 TIE BREAKER FOR NEGOTIATOR TEAMS IN THE SECOND ROUND



10.2.1 The top 4 teams from the Second Round shall qualify for the Semi Final Round

10.2.2 If there is a tie in the score of the Negotiator Teams in the Second Round, the Team that has secured more marks in the criteria 3 (Advocating Interests) shall advance to the Semi Final Round.

10.2.3 In case of a further tie, the qualifying team shall be decided on the basis of marks secured in Criteria 8 (Use of Mediator)

10.2.4 If the tie still continues, the team that will advance to the next round shall be decided by coin toss

10.3 TIE BREAKER FOR MEDIATOR IN PRELIMINARY ROUND AND SECOND ROUND

10.3.1 Top 6 Mediators from the Preliminary Rounds shall qualify for the Second Round and Top 2 Mediators from the Second Round shall advance to the Semi Final Round of the Negotiation Competition, which shall be the Final Round for the Negotiators.

10.3.2 In case of a tie in the score of two or more mediators, the Mediator who has scored more on criteria 5 (Effective Mediating Skills) shall proceed to the next Round.

10.3.3 If the tie continues, the qualifying team shall be decided on the basis of Criteria 9 (Facilitating option generation)



10.3.4 In case of a further tie, the Mediator who will advance to the next round shall be decided by coin toss.

11. AWARDS

11.1 As many as 9 awards will be given out at the end of the Competition –

11.2 Negotiation and Mediation Prizes are as follows

- (i) 1st Place - Negotiation
- (ii) 2nd Place - Negotiation
- (iii) 1st Place - Mediator
- (iv) 2nd Place- Mediator

11.3 Special Awards are as follows

- (i) Exceptional Negotiation in the Preliminary Round
- (ii) Exceptional Mediation in the Preliminary Round
- (iii) Exceptional Negotiation in the Second Round
- (iv) Exceptional Mediation in the Second Round
- (v) Best Upcoming Team Award

11.4 All Awards and Participation Certificates will be handed out at the Valedictory Dinner and Awards Ceremony and will not be sent later. The organizing committee is under no obligation to mail/post awards to winning teams that are not present at the Valedictory Dinner.

12. VIOLATION OF RULES

Any violation of the rules will be penalized by the Grievance Redressal Committee, either by way of deduction of points or by disqualifying the whole



Team from the Competition. The concerned Team will be given a fair chance to show cause why penalty should not be imposed on it.

13. THE RESIDUAL

13.1 The above rules are subject to change and modification as decided by the Organizing Committee. All measures will be undertaken for fair and orderly conduct of the Competition. The decision of the Organizing Committee in all matters regarding the Competition shall be final.

13.2 Time and deadlines will follow Indian Standard Time (IST)

13.3 All communications and Clarifications in relation to the Competition may be emailed to lexinfitum.vms@gmail.com

