



**SHRI DHARMASTHALA MANJUNATHESHWARA LAW COLLEGE &  
CENTRE FOR POST GRADUATE STUDIES & RESEARCH IN LAW  
MANGALORE**

**NAAC Re - Accredited 'A' Grade**



# **VICTORIA IURIS**

*SDMLC National Law Fest '13*

**8 - 10th February, 2013**

## **GREETINGS!!**

SDM Law College and Post Graduate Studies in Law has carved for itself an enviable niche in the legal education of Karnataka. During the last academic year, the college conducted Dominus Litis – The Master of Litigation, at the National Level which was a great success. The staff and students of the institute have been the fountain head of much novelty and innovation. Staying true to this well established tradition of ours, this academic year, the 'MOOT-COURT SOCIETY' of our college wishes to take a detour.

This year, the SDMLC MOOT COURT SOCIETY has conjured the novel concept of a NATIONAL LAW FESTIVAL, **Victoria Iuris '13**. The proposed fest shall be of an unprecedented academic nature which shall test the participant's COUNSELLING SKILLS, CONCILIATION SKILLS, APPELLATE ADVOCACY SKILLS, DRAFTING SKILLS, KNOWLEDGE OF LAW as well as their TRIAL ADVOCACY SKILLS. Owing to the unique nature of the competition, the Competition Directors have restricted the number of participating colleges to twenty (20).

**Victoria Iuris '13 will comprise of the following competitions:**

**1. Moot Court Competition inclusive of Client Counseling, Trial Advocacy and Appellate Advocacy.**

**2. Law Quiz.**

**3. Application for Bail (Bail Petition).**

**4. Negotiation/Mediation.**

**5. Legal Drafting**

# General rules for Victoria Iuris '13

- A team shall comprise of five members.
- All fields in The Registration Form must be filled.
- Registration forms must be sent on or before 10<sup>th</sup> January, 2013.
- An individual can participate in a maximum of three events.
- Applications shall be accepted on first come first serve basis.
- **The Rules for Bail Petition, Law Quiz, Legal drafting WILL BE UPDATED ONE MONTH PRIOR to the event on the website [www.sdmlc.org](http://www.sdmlc.org)**

# **RULES AND REGULATIONS FOR MOOT COURT COMPETITION**

## **CLIENT COUNSELING - ROUND 1**

### **RULES & REGULATIONS**

The key to successful advocacy is the capacity to solicit clients. Through this round, you will be tested on your client counseling skills keeping in mind various parameters. The following rules and regulations shall govern the competition:

#### **I TEAM COMPOSITION**

1. Each team must consist of two participants only, without the researchers who otherwise shall be considered to be a part of the team.
2. The two participants may be from any of the five/three batches of the LLB course.
3. Teams may not be altered after registration.

#### **II COMPETITION FORMAT**

1. Each team will participate in only ONE Counseling Session which shall be referred to as ROUND 1 of LEVEL 1.

2. Each Counseling Session is divided into three parts:

- Consultation
- Post-Consultation
- Critique

#### **CONSULTATION:**

1. The consultation period shall be for 12 minutes.
2. The time period will start from the moment the client enters the chamber.

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3. The time period is meant to be used for inter alia consultation with the Client during which participants are expected to elicit the relevant information, outline the problem, find the clients expectations and propose a solution or other means of resolving the problem.

4. During the consultation and post-consultation, the team may use books, notes and other materials. The team may also use office props (Dictaphones, Files, desktop, furnishings, bookshelves etc.) and any other material to furnish their consultation room or for other relevant purposes. The materials will not be supplied by the organizers.

5. The time period is to be strictly adhered to but the judges may, in case of any reasonable circumstances provide an extra one minute to the team after which the client would necessarily leave and the post-consultation period would begin.

6. If the extended consultation session allowed an opportunity for a team to gather more information than other teams, this circumstance should be taken into consideration by the judges in making their decision.

7. Judges may, in their discretion, penalize teams that allow the interview session to run longer than the stipulated time period.

### **POST CONSULTATION**

1. In the post-consultation period the participants may talk to each other loudly so as to be audible to the judges or may indirectly address them in any other manner.

2. Participants may summarize the interview, indicate the scope of the legal work to be undertaken, and state the legal issues that should be researched. Explanation of the position or attitude taken by the students may be useful.

3. If the students feel that some documents are appropriate, like a letter to the client confirming their retention as attorneys, the fee arrangement etc, or a letter to opposing counsel or to the party with whom the client is having their legal problems etc., they may dictate such a document at the post consultation stage.

4. The time period for post consultation is 3 minutes.

5. At the completion of the time period of Post-Consultation the judges shall

stop the participants or signal them to stop in an obvious manner.

6. Failure of the participants to comply with the above rule will attract negative marking as prescribed by the MCA to the judges.

### CRITIQUE

1. After the completion of the Post-Consultation period the judges may question the participants on matters deliberated upon or mentioned by the participants or the client during the consultation of post-consultation period.

2. The judges may ask any question which they consider material and questions meant to test the participants understanding of the facts and/or law applicable or applied by the participants in the case.

3. The time period for this session is 3 minutes and the judges may extend it by another 2 minutes at their discretion.

### III MISCELLANEOUS

1. In all matters relating to the interpretation and violation of these Rules & Regulations the decision of the Organizers shall be final.

2. Participants are expected to be dressed in formal attire.

3. Use of any unfair means may result in disqualification and other penalties.

4. Any participants found scouting or aiding or abetting any such act will be penalized.

5. The client's identity in terms of gender, age, health, appearance in terms of attire is immaterial. Hence no views shall be expressed by the participants about the same.

**After the completion of ROUND 1, all participating teams shall automatically progress to ROUND 2 which shall be a Trial Advocacy Competition.**

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## **TRIAL ADVOCACY - ROUND 2**

### **I RULES & REGULATIONS**

1. In the Trial Stage, enrolled in the competition shall be divided into prosecution or defense based on the representation of the client allotted to them in the client counseling competition.

2. This round shall consist of two stages; viz:

a. The Examination Stage

b. Argument Stage

Following the examination part, the preliminary stage shall proceed with the argument stage. Following the examination stage, participating teams shall present their arguments before a bench.

The Speaking Order for the Examination Part in the Trial Stage is as follows:

1. Prosecution Counsel 1 shall deliver the opening statement which shall not exceed the time period of 5 minutes.

2. Defense Counsel 2 advances to cross examine the Prosecution Witness for 15 minutes.

3. Following Cross Examination, Prosecution Counsel 1 re-examines the Prosecution Witness for 5 minutes.

4. Defense Counsel 2 shall deliver the opening statement which shall not exceed the time period of 5 minutes.

5. Prosecution Counsel 2 advances to cross examine the Defense Witness for 15 minutes.

6. Following Cross Examination, Defense Counsel 1 advances to re-examine the Defense Witness for 5 minutes.

### **II MISCELLANEOUS**

1. The clerk shall signal by card the ending of each category; viz:

a. After 5 minutes;

b. After 10 minutes;

c. After 15 minutes; and

d. After 5 minutes

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2. The participant's argument which is on, after the expiry of the stipulated time, is to be concluded swiftly; but no new statements may be initiated after the time expires. Judges however, may at their discretion, extend total team argument time beyond the above stated time allocation. However, the proceedings in every court hall shall not exceed the stipulated time limit of 45 minutes.

3. No leading questions shall be asked by any participant while in course of examination. Judges reserve the right of striking down such a question or penalize the participant doing the same.

4. Every team shall be allocated forty minutes for oral argument in the argument stage. The clerk shall signal by placard the time utilized by the arguing counsel at regular intervals.

5. The judges at their discretion may grant a maximum of 5 minutes to the team arguing first for rebuttal in the preliminary round. However, no provision shall be made to grant time for any sub-rebuttal.

6. Team members may apportion between them the allotted time according to their requirement and divide the issues to their convenience. The burden of informing the same to the clerk prior to the commencement of a round; rests solely upon such a team.

7. Formulation of issues for arguments shall be the discretion of the participants. In any case it is advisable that parties restrict themselves not more than four issues.

8. There shall be no scope for objection by any team member at any time during the Trial Advocacy round of the Moot Court Competition.

9. There shall be no use of props/electronic equipment during the Trial Advocacy stage.

10. Owing to the competitions distinct Advocacy structure, participating teams shall NOT be required to submit any briefs/memorials for either of the rounds i.e. Preliminary round consisting of Trial Advocacy, or the Quarter-Finals, Semi- Finals and Final Rounds of the Appellate Advocacy.

11. The competition shall be presided over by a Bench of judges. Their decision will be final and not subject to appeal. Further, there shall be no objections in respect of the constitution/ composition of such a Bench.

After the completion of ROUND 1 and ROUND 2, elimination shall take place and a fixed number of teams shall qualify to the Quarter Finals; which is the final round and the same shall be held on day 2.

## **APPELLATE ADVOCACY - QUARTERFINALS, SEMIFINALS and FINALS**

### **I RULES & REGULATIONS**

1. The Quarter Finals, Semi Finals and Final Rounds of the The Ultimate Litigator shall consist of Appellate Advocacy.
2. The list of qualifiers for the Quarter Finals, Semi Finals, Appellate Advocacy (Level 3) will be announced at the earliest.
3. Every team member shall be allocated thirty minutes (QF) and forty five minutes (SF and F) for oral argument. The clerk shall signal by placard the time utilized by the arguing counsel at regular intervals.
4. The judges in their discretion may grant a maximum of 5 minutes.
5. Team members may apportion between themselves the allotted time.

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# **GENERAL RULES & REGULATIONS for the Moot Court Competition**

## **I WITNESS/CLIENTS:**

- a. A witness/client, and the said term shall also mean to include the accused; shall be made available by the organizers for the purpose of Client Interview and Examination.
- b. Witnesses/clients shall be gender neutral and bound by the facts contained in the statement of facts.
- c. Such a witness/client shall have received adequate exposure and training for the purpose of such examination; as he/she (the witness/client) is required to respond to participant examinations to the best of his/her intellectual ability.
- d. Under no circumstance shall any member of the participating team cast doubt, aspersion or question the veracity or integrity of such an individual portraying the role of a witness/client; as he/she(witness/client) is required to discharge his/her responsibility to the best of his/her ability. Indulgence in the same shall result in immediate disqualification of such a team.
- e. There shall exist no scope for any interaction between a witness/client and a team member at any time before the commencement of Level 1 of the competition.

## **II MISCELLANEOUS:**

1. The number of teams to qualify from each courtroom, the number of courtrooms and allocation of courtrooms and other incidental matters shall be specified by the Organizers after the registration depending upon the number of participants and other relevant considerations.

2. 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:

- MATRIMONIAL LAWS
- LAW OF CONTRACTS
- LAW OF TORTS
- LAWS OF SUCCESSION

□ LEGAL EDUCATION

3. All participants are expected to treat each other with dignity and also display proper courtroom decorum throughout the competition. Judges possess discretion to penalize a participant/team guilty of breaches of decorum which impugn the reputation of any participant, team, court officer, judge, or the competition.

4. Participants are prohibited from asking any questions of a personal nature.

5. No person associated with a team may be present during a round in which that team is not participating. Doing so, shall attract an immediate penalty on account of scouting. Once the trial/appeal has begun, there must be no spectator/observer contact with student team members.

6. The winners of the competition will be determined by the judges ranking wherein individual participants and the team as a whole shall be assessed separately.

**THE ORGANIZERS SHALL SERVE AS THE FINAL ARBITERS ON IMPLEMENTATION AND INTERPRETATION OF THESE RULES. THE ORGANIZERS ALSO RESERVE THE RIGHT TO VARY, ALTER, MODIFY, OR REPEAL ANY OF THE ABOVE RULES IF SO REQUIRED WITHOUT DUE NOTICE.**

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# **RULES AND REGULATIONS FOR** **NEGOTIATION**

## **1. GENERAL RULES**

- 1.1 The Competition shall be held on
- 1.2 Each team shall comprise of two participants.
- 1.3 The competition will be conducted in three rounds – Preliminary Round, Semi Final Round and Final Round
- 1.4 The Fact Sheet for negotiation will be based on the Law of Contract / Tort/Company Law.
- 1.5 Different Fact Sheets will be allotted for each round.
- 1.6 The Fact Sheet will be allotted to the teams at the beginning of each round, on the basis of draw of lots.
- 1.7 Once the fact sheet is allotted, no clarification regarding the same shall be entertained, whatsoever.
- 1.8 The teams shall strictly adhere to the time allotted.

## **2. FACT SHEET**

- 2.1 Each Fact sheet will consist of:
- i) General Information, which includes a common set of facts made known to all teams and
  - ii) Confidential information, which will be different and specific to each team

## **3. TEAM BRIEFING**

- 3.1 The teams shall be briefed on the competition on the day of the event. The teams can seek clarification during the session.
- 3.2 The teams shall compulsorily attend the briefing session, failing which they shall not be allowed to enter the competition.

## **4. THE COMPETITION FORMAT –**

- 4.1 PRELIMINARY ROUND
- 4.2 Duration for the Preliminary Round shall be as scheduled below

1. Pre-Negotiation Stage : 20 min
2. Presentation of Plan of Action : 10 min
3. Negotiation with Other Party : 30 min
4. Declaration of Results : 5 min
  - 4.2.1 Pre-Negotiation stage: 20 min
    - 4.2.1.1 Negotiation Fact Sheet will be allotted to the teams
    - 4.2.1.2 The Fact Sheet shall be common to all the teams.
    - 4.2.1.3 The teams shall prepare a plan of action within the allotted time
    - 4.2.1.4 The plan of action shall ideally consist of identification of issues for negotiation, different options to be explored during negotiation, alternatives to the negotiation, efforts towards principled negotiation etc. (for further clarification, refer write up and the judging criteria)
  - 4.2.2 Presentation of Plan of Action: 10 min
    - 4.2.2.1 The marks are allotted separately for this stage and judges assessing this stage will not be assessing the same teams in the Negotiation Stage.
    - 4.2.2.2 This stage is for making oral presentation of the negotiation plan that has been drawn by the team.
    - 4.2.2.3 The team shall choose one participant to make the presentation and the other participant shall not intervene during the presentation.
    - 4.2.2.4 The presentation will be made before a panel of judges, consisting of minimum of two judges.
  - 4.2.3 Negotiation with the other party: 30 min
    - 4.2.3.1 Teams shall be present in the negotiation chamber before arrival of the judges.
    - 4.2.3.2 The judges shall invite the participants to come to negotiation table; such invitation shall be treated as the beginning of the duration of 30 min.
    - 4.2.3.3 The teams shall negotiate on behalf of the client
    - 4.2.3.4 In case of ambiguity, the teams shall have to deal with it to the best of their capacity.
    - 4.2.3.5 The Participants are allowed to add incidental facts to the given fact sheet. However, no such additions shall be made which would change the given facts substantially.
    - 4.2.3.6 The Negotiation process will be observed and judged by a panel of two Judges.
    - 4.2.3.7 The participants may set up their negotiation tables prior to the judges arrival.
    - 4.2.3.8 During negotiation, each team is allowed to take one break, of two minutes duration. However any such break shall be counted as within the allotted time.
  - 4.2.4 Judges Reflection/ Declaration of results: 5 min

4.2.4.1 At the end of the negotiation process, judges may seek clarifications from the negotiators.

4.2.4.2 Thereafter, the judges will declare the results.

#### 4.3 SEMI FINAL ROUND

4.3.1 From the Preliminary Round, eight top scoring teams will qualify for the Semi-Finals.

4.3.2 In case of a tie for the eighth position, the qualifying team shall be chosen by considering only the marks of the negotiation stage. In case of a further tie, the qualifying team shall be chosen by draw of lots/ toss.

4.3.3 The teams will be provided with a new set of facts for negotiation.

4.3.4 The Semi Final round will also be conducted in the same format as that of the Preliminary Round

#### 4.4 FINAL ROUND

4.4.1 From the Semi-Final Round, two top scoring teams will qualify for the Finals.

4.4.2 In case of a tie for the second position, the qualifying team shall be chosen by considering only the marks scored at the negotiation stage. In case of further tie, the qualifying team will be chosen by draw of lots/ toss.

4.4.3 The teams will be provided with new set of facts for negotiation.

4.4.4 The Final round will also be conducted in the same format as that of the Preliminary Round

### **5. Marking Criteria**

5.1 The teams shall be judged on the following broad criteria

1. Narration of Facts
2. Identification of Issues
3. Identifying Common interests
4. Identifying Conflicting interests
5. Prioritization of issues
6. Generating options
7. Rapport building
8. Convincing power
9. Balancing common and conflicting interest using common advantages for continuation of negotiation
10. Legitimacy of the claims
11. Outcome of negotiation
12. Team coordination

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