

**ILS Centre for Arbitration (ILSCA)**

in association with

**The Peacekeeping & Conflict resolution Team (PACT)**

presents



The ILSCA - PACT Community Mediation Competition

**OFFICIAL RULE BOOK**



## **BRIEF ON COMMUNITY MEDIATION:**

Community conflicts arise in all aspects of our lives and can be resolved in a variety of different ways, both formal and informal. The most familiar way is the formal methods of conflict resolution such as those provided by civil and criminal law, and we are all practiced in the use of informal techniques such as negotiation and bargaining. Some types of dispute, however, are not easy to resolve satisfactorily through the courts but at the same time seem difficult for the people involved to resolve themselves. Community Mediation is aimed at assisting in the resolution of such disputes through a process of skilled and principled intervention.

The roots of community mediation can be found in community concerns to find better ways to resolve conflicts and efforts to improve and complement the legal system. Citizens, neighbours, religious leaders and communities became empowered realizing that they could resolve many complaints and disputes on their own in their own community through mediation.

The practise of community mediation as an Alternative Dispute Resolution is accompanied with its own share of disadvantages. The Community mediators and program administrators grapple with many of our communities more troubling disputes. The rewards that they are seeking for this, is often exhausting and emotionally draining work and clearly not monetary. However, with the evolving time and increasing awareness towards ADR and with increased burden on the courts, there is a scope of community based mediation becoming one of the most preferred mode of Dispute Resolution instead of taking recourse to court system and hence, overcoming the difficulties faced by it.

## **COMPETITION BRIEF:**

ILS Centre for Arbitration (ILSCA) in association with Peacekeeping and Conflict Resolution Team (PACT) is organizing a two-day Community Mediation competition. A major chunk of mediation cases in India belong to this category and it was important to dedicate a competitive event to this category of disputes. we are confident of moulding it into a unique challenge for all those students who dare to challenge their skills in disputes arising and affecting the non-corporate world.

This competition will provide the participants with an opportunity to test their core mediation skills and experience model community mediation sessions through rounds of competitive simulations. This competition will witness 16 teams from across the country pitch their skills to tackle tactfully-drafted competition problems. The tournament aims to highlight the role of the mediator, the disputing party and the counsel in a community mediation session.

## **COMPETITION RULES**

### **1.1 – Language of verbal communication**

The official language of the competition is English. Communication in any other international, national or regional languages during the competition rounds is not allowed.

### **1.2 – Topic**

The competition shall be based on the theme “Community based Mediation”. Further, to facilitate your preparation for the competition, you may refer to the following links for an example of a similar competition.

1. <https://www.youtube.com/watch?v=KS-ykB7nYiY>
2. <https://www.youtube.com/watch?v=xTbj-eHwX-w>

### **1.3 – Structure and Format**

- The competition consists of two preliminary rounds which will be held on Day One i.e. 6<sup>th</sup> January, 2019. The quarter-finals, semi-finals and the finals will be held on Day Two of the competition i.e. 7<sup>th</sup> January 2019.
- 16 different negotiating teams and 16 individual mediators will compete in the preliminary rounds.
- During the Preliminary Rounds, each negotiating team will compete against two different teams separately. Each of the Preliminary Rounds will have a separate problem. The quarterfinals, semi-finals and the finals shall also have separate problems.

- Mediator participants from two different teams shall be paired to facilitate the co-mediation during the Preliminary rounds. The pairing shall be for both the Preliminary Rounds and the pair of co-mediators will be assessed as a 'duo' at the end of both the Preliminary Rounds.
- At the end of Day One, the top 8 negotiating teams and top 4 mediators will be announced. The quarter-finals will not have any co-mediators, but a single mediator to facilitate the rounds. (This means, the mediator 'duo' will now split and mediate solo for the rest of the competition).
- The semi-finals shall follow the same format. The top 4 negotiating teams and top 2 mediators will be announced who will compete in the semi-finals. The highest-scoring mediator will be the winner, and the result of the same shall be declared only on the valedictory ceremony.
- **Mediator for the Final Round** - The final round shall be facilitated by a professional mediator(s).
- **Assessors** - There will be two assessors for each Preliminary Rounds and the quarter-finals. The semi-finals will have three assessors, while the final round will have five assessors.
- **Participating team** - Each participating university/college/institute team shall consist two students as negotiators and one student as the mediator. Coaches and observers can accompany the team. A mediator will not be permitted to substitute any member of the negotiation team and vice-versa. The roles which have been pre-assigned by the team will be carried forward throughout the competition. The registration form requires teams to specify the roles of each individual member. Change of roles after the registration will not be entertained.

## 2.1 – Mediation Sessions

During the Preliminary Rounds, the organizing committee will promiscuously assign teams to compete against each other as the requesting and responding party. Every attempt will be made to ensure that no two teams compete against each other more than once in the preliminary rounds.

## **2.2 – Duration of the competition rounds**

### **Duration of preliminary Rounds, quarterfinal and semi-Final rounds**

Total time (Preliminary Rounds, quarterfinals and semifinals) – 120 minutes

Prep time – 30 mins, Mediation Session\* – 60 minutes, Scoring – 10 minutes, Judges’

Feedback – 20 minutes

### **Duration of Final Round**

Total time for the Final – 120 minutes

Prep time – 30 mins, Mediation Session\* – 90 minutes

*\*The Mediation Session time includes the caucus and the break. Ushers will be on stand-by for timely reminders during the mediation session.*

## **2.3 – Breaks**

Each competing team may take one break of not more than 3 minutes during the mediation session. If one competing negotiation team calls for a break, both the teams must leave the room. Coaches, observers seated in the room are not allowed to leave the room at any point once the session starts.

## **2.4 – Caucus**

During the Mediation session, the Mediator or any of the negotiation teams may call for a Caucus, in accordance with the following provisions:

- Each caucus may not last longer than 5 minutes
- No one is allowed to leave the room, except for the negotiation team which the mediator escorts outside, while he/she engages in a private session with the other negotiation team.
- During a caucus, the mediator(s) can engage in dialogue with one negotiation team – the client and counsel Or There can be a caucus between the mediator(s) and both the competing clients (without their lawyers) or between the mediator(s) and both the competing lawyers (without their clients) – this is called a cross-caucus.

- There is no limit on the number of caucuses called. Similarly, it is not mandatory to call for caucus. It is up to the discretion of the negotiators and mediators to call for a Caucus. They will be assessed on the timing, reason and productivity of the caucus, if called for.

## **2.5 – Judging Criteria**

The judging criteria are applied to the performance of both the counsel and client in the competition between the negotiating teams. The co-mediators will be marked as a ‘duo’ during the Preliminary Rounds. There is no requirement or reward for reaching a settlement. The score sheet will be published on November 20 on the Facebook page ([www.facebook.com/intercessionis2019](http://www.facebook.com/intercessionis2019)) and on the official website([www.ilslaw.edu](http://www.ilslaw.edu) ).

## **2.6 – Assessors**

The organizing committee is responsible for choosing and pairing the assessors and allocating them for the different competition rounds. Utmost care will be taken to ensure that the competing teams are assessed by different assessors in each round, however due to limited resources, this might not be always possible.

The organizing committee will ensure that the assessors are neutral, independent, and impartial towards the teams they are assessing.

## **2.7 – Timekeeping**

Responsibility for timekeeping rests with the Mediation Chamber Supervisor during the Mediation Session. The Mediation Chamber Supervisor’s decision on timekeeping is final.

If, for some reason, the supervisor is not available, the assessors are in-charge of timekeeping.

## **2.8 – Governing Law**

The problems may have reference to a real or fictitious place. However, and unless a problem explicitly indicates otherwise, for purposes of the competition, it is assumed that there is no governing law and that the jurisdiction applies general principles of uniform international law.

## **2.9 – Feedback**

- Each of the assessors will provide feedback for the competing negotiation teams and the mediator(s). The assessor will have 10 minutes for his/her entire assessment. The feedback will be based on each competing team's performance in the mediation.
- If an assessor decides to impose a penalty upon a competing team, he or she should inform the competing team concerned about the same and explain it to them. The competing teams are not allowed to show dissent as the assessors' call is final. The assessor should, however, explicitly indicate the rule violated, but shall not indicate the number of points subtracted.
- The assessor must not reveal to any Team the results of their individual determinations and any Team's scores. During the feedback, assessors may refer to the Confidential Information.

## **2.10 – Handouts**

Teams may present during each Mediation only one handout, limited to one A4 sheet of paper. It can include any kind of content. Copies of the handout shall be given to the Mediator and the assessors, when first produced by the team.

## **2.11 – Permitted Material during the Mediation Session**

For the Mediation Session, each competing team can bring its own prepared notes. Each team can also bring and use a calculator and a watch (stop watch, timer, etc. is allowed). Use of other electronic devices such as mobiles phones, tablets, laptops, etc. is strictly not allowed.

## **2.12 – Permissible Assistance to Teams**

The coach may advise and assist the team in its planning or prep time before the session starts.

## **2.13 – Prohibited Assistance**

No person, including the coach, may give advice, assistance or instructions to, or communicate or attempt to communicate, with any of the participants from the competing teams during the Mediation Session. Violation of this rule, regardless of the extent of the communication or who began the communication, will result in disqualification of the whole team from the competition.

## **2.14 – Communication between Participants**

- The competition seeks to foster intellectual and professional networking among peers and experts, therefore exchange and dialogue between participants, coaches, volunteers and expert assessors, outside the Mediation Session is permitted and strongly encouraged.
- Professionals are invited to share their insights with students about a particular Mediation Session or their practice in general after the session is over, keeping in mind impartiality, neutrality and confidentiality and independence. Therefore, there shall be no sharing of scores or content of any confidential information related to the competition problems.

## **2.15 – Winners**

The Negotiation team with the most number of points will be the winner of that round in the Preliminary Rounds. The co-mediators will be assessed on their combined score at the end of the two preliminary rounds.

## 2.16 – Ranking of teams after Preliminary Rounds

Negotiating teams will be ranked and selected for the knock-out rounds on the following criteria:

- Total number of overall points
- Total number of score sheets designating a 'win'
- Greatest number of points scored during Caucus

Mediator 'duos' will be ranked and selected for the knock-out rounds on the following criteria

- Total number of overall points
- Greatest number of points scored during Caucus
- Greatest number of points scored in Opening and Closing Statement

## 3.1 – Competition Problems

- Each problem will consist of General Information for all parties and Confidential Information for each of the requesting party and the responding party, respectively.
- General Information of problems for the Preliminary rounds will be announced online by **November 20, 2018**. General Information for problems of the quarters, semis and finals will be published online by **December 7, 2018**. Please note that Clarifications can be sought only by the teams short listed for the Competition.

The confidential information will be provided to the negotiating participants and the assessors 30 minutes prior to the Competition Mediation Sessions – during Prep time. Mediators shall not receive any confidential information. Teams, coaches, assessors and members of the organizing committee and anyone else who is privy to the Confidential Information shall not disclose it or speak about it to others during the prep time before the Mediation Session. Confidential information will remain in the custody of PACT and distributed during Prep time by PACT representatives. This shall erase any doubts / apprehensions arising out of Rule 4.1(B).

Non-compliance with this rule by any person associated with the team may lead to disqualification of the team concerned. If it is an organizing committee member or an assessor involved, it would lead to the withdrawal of such a person from the organizing team or the assessors' panel.

### 3.2 – Clarifications of the Competition Problems

All efforts will be made to ensure that the Problems are neatly drafted. Maximum of Three written question(s) for clarification or interpretation of the general information shall be submitted by the teams to the Organizing committee on or before **23<sup>rd</sup> December, 2018**.

Clarifications can be requested only for ambiguity or possible errors, but not to inquire about further information, as the Problems are self-contained. The drafting committee shall address all the clarifications in a public document by **30<sup>th</sup> December, 2018**.

### 4.1 – Participation in the Competition

- It is the discretion of the organizing committee to decide which teams are eligible to participate in the competition **upon review of the skills of the entire team in the field of ADR.**
- No reason or justification will be provided as to why a certain application failed to make it to the selected list of teams for the competition. However, the exercise of the discretion shall not be arbitrary and unjustified instead it shall be exercised only upon the review of the **Curriculum vitae** submitted by the team during registrations.

For the first edition of the competition, the organizing committee will accept a maximum of 15 teams.

### 4.1 – (B) Declaration of Participation

The host team (from ILS Law College, Pune) will compete at INTERCESSIONIS 2019, thus making it 16 teams, in total.

The application period for participating teams will be from **3pm on 15<sup>th</sup> October to 11.59pm on 5<sup>th</sup> November, 2018**.

The final list of participating teams will be announced on **15<sup>th</sup> November, 2018** on the College Website, Facebook page, and through email to the selected teams.

#### **4.2 – Eligible Students and Application**

- The competition is open to full-time law students (5years and 3 years course) registered in any university in India for the academic year 2018-2019. Only students studying law may participate in the competition. LLM students are not eligible to participate in the competition.
- Each university may nominate a maximum of one team along with their individual CVs and the university profile in the field of consensual dispute resolution. By applying for the competition, the teams shall be deemed to have accepted the rules, terms and conditions of the conditions as stated in this document.
- **The Google Form link for Registration which shall be active from 3 pm on 15<sup>th</sup> October is given below:**

<https://goo.gl/forms/cqxeMbYjGvtOcvT63>

#### **4.3 – Registration Fees**

Upon acceptance of the team by the organizing committee, the team must pay the full registration fees which is **Rs.5000/- plus GST(18%) per team** within the time limit as indicated by the organizing committee. There will be no refund of the registration fee in any circumstances, unless the competition is called off by the organizing committee for reasons that will be provided during such an event.

#### **4.4 – Contact Details of the Team**

- Once the list of selected teams is announced, each team will be given a team code for the purpose of the Preliminary Rounds draw.
- Each team must give the organizing committee Contact details of any team member. Any notice to the contact constitutes notice to all the team members.

#### **5.1 – Statement of Trust by Assessors**

- All assessors shall provide to the organizing committee a Statement of Trust declaring his/her neutrality, impartiality and independence to assess the teams of the competition and disclosing any conflict of interests with the participants, or the university or coach, if it may cause a hindrance to the assessment of the round.
- The Organizing Committee can disqualify an assessor from assessing a Mediation Session if the Organizing Committee believes that his/her relationship with a team member or coach threatens his or her neutrality, impartiality and independence.

#### **6.1 – Penalties and Disqualification**

- If a violation of the Rules is believed to have been committed by a team or one of its members, the Organizing Committee may in its own absolute discretion, upon its own initiative or complaint from another team or assessor, impose a penalty or disqualify a member or the whole team.
- The Competition Grievance Panel shall be informed before any action of disqualification is taken. The panel shall consist of the head of the host institution, a representative of the chief partnering organization, the chief coordinator of the Organizing Committee, and two assessors from the panel of assessors.
- A maximum of five points may be deducted from the overall score for any violation of Rule 1.2, 2.2, 2.3, 2.4, 2.10 of the Competition Rules 2018.
- Disqualification from the competition may be imposed on any violation of Rules 2.11, 2.13, 3.1 and 4.2 of the Competition Rules 2018.

## **7.1 Awards and Prizes**

The Organizing Committee shall acknowledge the participation of all the teams, team members, coaches and assessors at the competition with appropriate tokens of appreciation. Certificates shall be provided to all those who have registered with the Organizing Committee.

### **The top awards are:**

Winner of the 'Top Mediator at INTERCESSIONIS'

Runners-up of the 'Top Mediator at INTERCESSIONIS'

Winner of the 'Top Negotiating Team at INTERCESSIONIS'

Runners-up of the 'Top Negotiating Team at INTERCESSIONIS'

### **Special Awards:**

Best Opening Statement (Mediator)

Best Opening Statement (Client)

Best Mediation Advocacy Skills (Counsel)

Best Team Work – Negotiation (Client & Counsel in Preliminary Rounds)

Best Team Work – Mediation (Co-Mediators in Preliminary Rounds)

Best Acknowledgement of Emotionally / Culturally Sensitive Moment (Preliminary Rounds)

Best Interaction with Mediator (Client or Counsel in Preliminary Rounds)

Each participating university shall get a maximum of one special award.

### **8.1 – Organizing Committee's power to take additional measures**

The Organizing Committee may take such other measures as are required for the orderly conduct of the competition.

## 8.2 – Interpretation of Rules

The Organizing Committee's interpretation as to the implementation of the Rules is final and conclusive. In case of any grievance, the same shall be referred to mediation and governed by the mediation rules of **PRESOLVE**.

### **FOR CORRESPONDENCE:**

#### Faculty Co-ordinators:

1. Mrs. Sathya Narayan
2. Ms. Anwita Dinkar

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#### Student Convenors:

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