



ILS Centre for Arbitration and Mediation (ILSCA)

In association with ADR ODR International and KD Lex Chambers

presents

INTERCESSIONIS 2021

**4TH EDITION OF THE ILSCA INTER -COLLEGE
MEDIATION COMPETITION**

COMPETITION BRIEF

ILS Centre for Arbitration and Mediation (ILSCA) in association with ADR ODR International and KD Lex Chambers is organizing a three-day Inter-College Mediation Competition. This competition will provide the participants an opportunity to test their core mediation skills and experience mediation sessions through rounds of competitive simulations. This competition will witness 16 teams, from all over India; pitch their skills to tackle tactfully-drafted mediation problems. The tournament aims to highlight the role of the mediator, the client and the attorney in a mediation session. With a view to promote Online Dispute Resolution (ODR), the new normal, the competition will be conducted virtually this year.

RULES OF THE COMPETITION(hereinafter “The Rules”)

PLEASE NOTE: Appropriate action shall be taken against participants violating any rule/s of the competition. Interpretation of the rules by the organizers shall be final and binding on all participants.

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1. LANGUAGE OF VERBAL COMMUNICATION

- 1.1 The official and preferred language of the competition is English. Communication in any other international, national or regional languages during the competition rounds is not permitted.

2. ELIGIBILITY CRITERION

- 2.1 The competition is open to full-time law students (5 years and 3 years course) registered in any university in India for the academic year 2020-2021. Only students studying law may participate in the competition. LLM students are not eligible to participate in the competition.
- 2.2 A total of 16 Negotiating pairs and 16 mediators shall be selected to participate on the basis of application form which the teams are required to submit as per the instructions given in Rule 5. All 16 Negotiating pairs and 16 individual Mediators will compete in the Preliminary Rounds.
- 2.3 In case the number of registrations is less than 16, then the next lower even number will be taken into consideration. The decision of the Organizing Committee (“OC”) shall be final in this regard.
- 2.4 Mediators from two different teams shall be paired to facilitate co-mediation during the Preliminary rounds. The pairing shall be for the Preliminary Round and the pair of co-mediators will be assessed as a ‘duo’ at the end of the Preliminary Round.
- 2.5 Each university may nominate a maximum of one team. By applying for the competition, the teams shall be deemed to have accepted the rules, terms and conditions of the competition as stated in this document.

3. PARTICIPATION IN THE COMPETITION

- 3.1 It is the discretion of the Indian Law Society's management and 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.
- 3.2 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 application form submitted by the team during registrations.

4. DECLARATION OF PARTICIPATION

- 4.1 For the fourth edition of the competition, the organizing committee will accept a maximum of 15 teams. The host team (from ILS Law College, Pune) will compete at INTERCESSIONIS 2021, thus making it 16 teams, in total.

5. REGISTRATION

- 5.1 Application of registration for the competition shall be made online by way of Google Forms; a link to which shall be sent to the official email ids of Law Colleges and additionally will be put up on the official Facebook page of INTERCESSIONIS2021, accessible at "**Intercessionis: ILSCA Mediation Competition**". The link for the Facebook Page is given below:

<https://www.facebook.com/intercessionis2020>

- 5.2 The link will be activated from **20th January, 2021 at 12 PM sharp to 11:59 PM on 5th February, 2021.**
- 5.3 Participants shall **register only in teams of 3** in accordance with Rule 7.
- 5.4 Only one member of the team is required to fill the application form on behalf of the team.
- 5.5 The application must entail the **correct details** of all the team members.
- 5.6 The Google Form link for Registration which shall be activated at 12 pm on 20th January is given below:

https://docs.google.com/forms/d/1zB_7AnLeKm4kBptxn2a7zuLVjnKfFfIZlrCTDcTPD5w/edit?usp=drivesdk

5.7 It shall remain active till 11:59 PM on 5th February, 2021.

6. REGISTRATION FEES

6.1 Upon selection of the team by the organizing committee, the team must pay the full registration fee which is **Rs.6000 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.

7. COMPOSITION OF TEAMS

- 7.1 **For the purpose of registration**, each participating team shall comprise of three students. Two students shall be The Negotiating Pair and one student shall be the Mediator. The mediator will not be permitted to substitute any member of the negotiation pair and vice-versa. The registration form requires teams to specify the roles of each individual member. Change of roles after the registration will not be entertained.
- 7.2 The applications must entail 3 members i.e. The Negotiating Pair and the Mediator. All individual applications will be rejected.
- 7.3 The Mediator will **not** be a part of the team. His/her role is independent of the Negotiating Pair. Registering in a team of 3 students is solely for the purpose of ensuring uniformity.
- 7.4 **In any round**, two members shall play the role of client and attorney as a team. There may be a combination of Client-Client, Client-Attorney or Attorney-Attorney (“the Negotiating Pair”), as per the plot and instructions specified in the problem. They may interchange their roles amongst themselves in subsequent rounds. The Negotiating Pair will only be competing with other Negotiating Pairs.
- 7.5 The Mediator is an independent participant in the round. He/she will only be competing with other Mediators.

7.6 The Mediator that the team has registered with is not the mediator that the team may be assigned in the competition. Additionally, the Mediator's qualification would have no bearing on the Negotiating Pair's qualification to the next round, and vice versa.

8. NATURE OF COMPETITION

8.1 For the purpose of marking and qualification to subsequent rounds, the teams will be divided in two separate segments namely: The Negotiating Pair (Client- Attorney or Client-Client) and the Mediator.

8.2 A mediation session shall consist of two Negotiating Pairs, each representing one of the parties to the dispute i.e. Requesting Party and Responding Party and two independent Mediators who will be competing against each other.

8.3 Each round shall have a common set of General Information (“**GI**”) and different Confidential Information (“**CI**”) for each side. Mediators shall only be entitled to the GI. The CI shall **NOT** be shared with them at any time **before** the round.

8.4 The Negotiating Pairs and the Mediator shall be considered to be independent of each other in the competition and qualification of one does not guarantee or depend upon the qualification of the other.

9. STRUCTURE

9.1 On 5th March, 2021, there shall be a pre- competition workshop which is being organized by ADR ODR International. This Workshop will provide participants with core mediation and negotiation skills and hands-on experience through a variety of simulations and practical role play sessions. Attendance is mandatory for all the participants of the competition.

9.2 The competition consists of two Preliminary Rounds and Quarter- final Round on Day One i.e. 6th March, 2021. The Semi-finals and the Finals will be held on Day Two of the competition i.e. 7th March, 2021. During the Rounds, the organizing committee will 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.

- 9.3 From the 16 teams, only 8 Negotiating Pairs and 8 Mediators will qualify to the quarter-final rounds. Further, only 4 Negotiating Pairs and 4 Mediators will qualify to the semi-final rounds and only 2 Negotiating pairs and 2 Mediators will qualify to the Final round
- 9.4 For the Preliminary rounds there will be 8 conference rooms, consisting of 2 teams in each conference room. 1 Negotiating Pair and 1 Mediator with the highest absolute score will qualify from each conference room.
- 9.5 For the Quarter-final rounds there will be 4 conference rooms, consisting of 2 teams in each conference room. 1 Negotiating Pair and 1 Mediator with the highest absolute score will qualify from each conference room.
- 9.6 For the Semi-final rounds there will be 2 conference rooms, consisting of 2 teams in each conference room. 1 Negotiating Pair and 1 Mediator with the highest absolute score will qualify from each conference room.
- 9.7 For the Final round, there will be 2 Negotiating Pairs and 2 Mediators.
- 9.8 The results shall be declared for each segment (i.e. Negotiating Pair segment and Mediator segment) independently in each round.
- 9.9 Please note that the scores of the Mediators shall have no impact on the score of the Negotiating Pair and vice-versa.

10.GENERAL INFORMATION AND CONFIDENTIAL INFORMATION

- 10.1 Each problem shall have a common set of GI and a different set of CI for each side.
- 10.2 The general set of facts for all the rounds will be released in advance. Creation of extraneous facts are not permitted and the teams may be negatively marked for the same.
- 10.3 Each team will be intimated about the side they will be representing and their respective CI only **30 minutes** prior to the commencement of the preliminary, the quarter-final rounds and semi-final and **40 minutes** prior to the commencement of the final rounds.
- 10.4 The teams shall be allotted their side via email. They are required to be active online for such communication at least **40 minutes** prior to the commencement of the preliminary, quarter-final rounds, and semi-final and **50 minutes** prior to commencement of the final rounds in order to be allotted their side and respective CI. The time must be strictly

adhered to, and any delay on part of the teams will not warrant them extra time for preparation.

10.5 Mediators shall only be entitled to the GI and the CI shall **NOT** be shared with them at any time before the round.

10.6 The teams shall not disclose the CI to any other participant or to any Mediator outside their own session, during or for the remainder of the competition. Breach of this rule by any team or Mediator, before or after their own round, shall lead to immediate disqualification of the team from the competition. Any complaint regarding the same would be dealt with the strictest action by the organizers.

11.FORMAT

11.1 Opening Statement of the Mediator:

The Mediation Session shall begin with the Opening Statement of the Mediators.

11.2**Caucus:** During the Mediation session, the Mediator or any of the pairs have the right to call for a Caucus, in accordance with the following provisions:

- Each caucus shall not last longer than 5 minutes. The time sought for caucus shall be a part of the mediation session time.
- No one is allowed to leave the conference room, except for the Negotiating Pair that the Mediator requests to leave the virtual conference room, while he/she engages in a private session with the other Negotiating Pair.
- There is no limit on the number of caucuses called during one mediation session, although it is not mandatory to call for a caucus. It is up to the discretion of the Negotiating Pairs and Mediators to call for a Caucus. They will be assessed on the timing, reason and productivity of the caucus, if called for.
- If one Pairs' caucus with the Mediator exceeds the time limit, the other party must be given equal time for the caucus, to maintain impartiality. However, if one Pairs' caucus precedes the time limit, it shall not restrict the caucus time allotted to the other Pair.

- It is the Mediator's responsibility to ensure that if one party uses a caucus, the other party must have a caucus unless they refuse it themselves.

11.3 Time- breaks:

For the virtual edition, the Negotiating Pairs will be permitted two time-breaks of 2 minute each per session to discuss privately. It is urged that the audio and video be switched off during such breaks. On the calling of a break by a team, both teams will be allowed to utilize it. This will be in addition to the mediation session.

11.4 Assessors

The organizing committee is responsible for choosing and pairing the assessors and allocating them for the different competition rounds. Utmost care shall be made to ensure that the competing teams face a different assessor 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.

11.5 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.

11.6 Permissible Assistance to Teams

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

12.TIME LIMIT (CONFIDENTIAL INFORMATION + MEDIATION SESSION)

- 12.1 Preliminary Rounds: 30 minutes + 60 minutes
- 12.2 Quarter-final Round: 30 minutes+ 60 minutes
- 12.3 Semi-final Round: 30 minutes + 60 minutes.
- 12.4 Final Round: 40 minutes + 90 minutes.
- 12.5 Caucus or private session is a part of the mediation session.

13.WINNERS

13.1 The Negotiation team and the mediator with the highest number of points will be the winner of that round in the Preliminary Rounds.

13.2 Ranking of teams after Preliminary Rounds

Negotiating pairs 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’
- Highest 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
- Highest number of points scored during Caucus
- Highest number of points scored in Opening and Closing Statement

14.CLARIFICATIONS OF THE COMPETITION PROBLEMS

14.1 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 20th February, 2021. 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 25th February, 2021.

15.WEB PLATFORM

15.1 The web platform on which the competition will be conducted, will be notified later to all.

16.CONNECTIVITY

16.1 Participants having a stable internet connection, shall have their videos turned on.

16.2 If the participant faces any connectivity issues during the round, the session time will be paused, a time frame of 2 minutes will be reserved for resolving the issue.

16.3 Participants facing any problems with internet connection must inform the Organizers beforehand.

17.CONFERENCE ROOM FACILITATOR

17.1 There will be one Conference room Facilitator in each conference room.

17.2 The Negotiating Pairs as well as the Mediators are requested to stay active on WhatsApp on the day of the competition. The Conference room Facilitator assigned to the respective conference room will keep the participants updated concerning the rounds.

17.3 The Conference room Facilitator will manage the time for the entire session and help the parties exit and enter the meeting for the purpose of caucus.

18.PERMITTED MATERIAL AND TIME DURING THE MEDIATION SESSION

18.1 For the Mediation Session, each competing team can bring their own prepared notes or take notes during the session.

18.2 Each team can also use a calculator or a watch (stop watch, timer, etc. is allowed).

19.GOVERNING LAW

19.1 The problems may have reference to a real or fictitious place. However, 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.

20.DRESS CODE OF THE COMPETITION

20.1 Students are encouraged to wear formals and dress appropriately. The client amongst the Pair may dress up as the character he/she is representing, provided the outfit is appropriate. Mediators are required to wear formals. However, there is no compulsion on black and white formals.

21.AWARDS AND PRIZES

21.1 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.

21.2 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'

22.PENALTIES AND DISQUALIFICATION

22.1 If a violation of the Rules is believed to have been committed by a team or one of its members, the Indian Law Society's management and 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.

22.2 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.

23. OTHER RULES

23.1 No person other than the speakers, judges, conference room facilitators and OC members shall be allowed in the virtual conference rooms during the round. If other participants enter an active meditation session, it would lead to imposition of penalty.

23.2 The Organizing Committee may take disciplinary action against any student found participating under the influence of intoxicating substances.

23.3 In case of any dispute arising out of the rules, or otherwise, the decision of the Organizing Committee would be final and binding.

23.4 The participants must be in the conference room on time, as per their allotted time slot. They shall join only when they are communicated to do so. They are expected to stay online for any communication from the Organizing Committee regarding the same.

24.CONTACT DETAILS

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ORGANISING COMMITTEE:

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