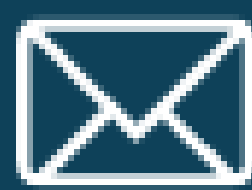


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RULEBOOK

NLS MC

THE VIII NLS - NEGOTIATION, MEDIATION
AND CLIENT COUNSELLING COMPETITION

28 APRIL - 2 MAY, 2022

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CONTENTS

GENERAL 1

The Competition	1
Eligibility Criteria	1
Official Language	2
Code of Conduct	2
Grievance Redressal	3
Power to Remove Difficulties	3
Rules of Participation	3
Awards	4
Dress Code	5
Residual	5

CLIENT COUNSELLING SEGMENT

Composition of Teams	6
Nature of Segment	6
Rounds	7
Competition Topics	7
Time Limits	7
Use of Props and Equipment	8

NEGOTIATION SEGMENT

Composition of Teams	9
Nature of Segment	9
Rounds	10
Competition Topics	10
Time Limits for the rounds	11
Confidential Information	11

MEDIATION (CLIENT-ATTORNEY AND MEDIATOR) SEGMENT

Composition of Teams	12
Nature of Segment	13
Rounds	14
Competition Topics	14
Time Limits for the rounds	15
Confidential Information	15



GENERAL

THE COMPETITION

The VIII National Law School - Negotiation, Mediation & Client Counselling Competition (“NLS NMC”) shall be conducted by the Alternative Dispute Resolution Board, NLSIU (“ADR Board”) in accordance with these Rules. NLS NMC shall consist of four distinct segments:

- The Negotiation Segment (National Qualifier for the International Negotiation Competition, 2022 in Montana, USA)
- The Mediation (Client/Attorney) Segment
- The Mediation (Mediator) Segment
- The Client Counselling Segment

ELIGIBILITY CRITERIA

- The conditions of eligibility shall be the same as those specified in the Structure Document released earlier. [1]
- It is clarified that no student shall be allowed to participate, who on the date of the commencement of the competition, has ceased to be a part of the qualifying degree programme.

[1] The VIII NLS NMC Structure Document can be accessed at https://drive.google.com/file/d/1iVqA2vgHg0DP_dTLcAVP5f4xV_rEmuFz/view?usp=sharing

OFFICIAL LANGUAGE

- The Official Language of the competition shall be English. All written or oral submissions before the judges shall be in English.

CODE OF CONDUCT

The ADR Board reserves the right to disqualify any team or participant or impose any other penalty for any kind of misconduct on the part of any team member or coach, during the competition. In case of any doubt/dispute, the decision of the ADR Board shall be final.

- Misconduct includes, but is not restricted to:
 - Disclosure of identity to other participants during the course of the round or to any judge.
 - Scouting and sharing of confidential information or particulars of the problems.
 - Any attempt to obtain confidential information with regard to the problems of either Negotiation or Mediation, or to obtain problem particulars with regard to the Client Counselling segment.
 - Any other conduct which may give a team an unfair advantage over the other teams, including the use of electronic devices and the internet for the purposes of research after the release of confidential information or in the middle of the round.
- All teams, participants, coaches and assessors are bound by the NLSIU, Code to Combat Sexual Harassment.[2] Any violation of the same will result in strict action as per the Code.

[2] NLSIU, Code to Combat Sexual Harassment, can be found here: <https://www.nls.ac.in/wp-content/uploads/2020/09/NLSIU-Code-to-combat-sexual-harassment.pdf>

GRIEVANCE REDRESSAL

All grievances shall be addressed to the Convener and Joint Convener, Alternative Dispute Resolution Board, NLSIU. Their decision regarding the same shall be final.

POWER TO REMOVE DIFFICULTIES

The ADR Board, NLSIU reserves the right to add, modify, or repeal any rule, in order to remove difficulties.

RULES OF PARTICIPATION

- All participating teams in all segments shall be provided team codes for the purposes of the competition. Under no circumstances are teams allowed to reveal the names of their universities to the judges or other participating teams.
- Each team shall participate in two preliminary rounds before two different sets of judges.
- For the Negotiation and Mediation (Client-Attorney) segments, each team will be randomly matched with the other teams in the segment for each round. At the end of two preliminary rounds, the top eight (8) teams will advance to the Quarter-Final Rounds. The Quarter-Final and Semi-Final Rounds shall be knock-out rounds, with the team with the higher cumulative score in the round advancing to the next round.
- The ranking of the teams in the Negotiation and Mediation segment in the preliminary rounds will be based on the following criteria, in decreasing order of importance:
 - Total number of Judges' scoresheets designating a 'Win';
 - Total number of overall points;
 - Lowest difference between the number of points scored in each Negotiation/Mediation session.

For the Mediation (Mediator) and Client Counselling segments, the top 4 teams with the highest cumulative scores across all judges' scoresheets will advance to the semi-final rounds. Note: The Mediator's semi-final rounds will involve mediating the quarter final rounds of the Mediation (Client-Attorney) segment, and the Mediator's final rounds will involve mediating the semi-final rounds of the Mediation (Client-Attorney) segment.

· In the event of a tie between two teams in any of the rounds in the determination of ranking for qualification to knock-out rounds, the tie shall be resolved on the basis of:

- First, the aggregate points of certain components in the score sheets of all judges assessing the round. The aforementioned components shall be notified in the score sheet that shall be released to the participants in advance, and
- Second, if and only if the tie is not resolved by the aforementioned method, on the basis of a coin toss, or other digital randomization method.

The match-ups of all post-break (knock-out) rounds shall take place on the basis of reverse power allocation. For example, if teams A, B, C ... H qualify (in that order on the basis of rank), the match-ups for quarter finals shall be A versus H, B versus G.

AWARDS

The following awards shall be given:

- Winner, Mediation (Client-Attorney) Competition
- Runners-up, Mediation (Client-Attorney) Competition
- Best Mediator Team
- Second Best Mediator Team
- Winner, Client Counselling Competition
- Runners-up, Client Counselling Competition
- Winner, Negotiation Competition
- The Winner of the Negotiation Competition shall qualify to represent India at the International Negotiation Competition 2022, Montana, USA.
- Runners-up, Negotiation Competition

DRESS CODE

Each member of the Participating Team shall be dressed in formals (Indian or Western) for the duration of the Competition.

RESIDUAL

The ADR Board, NLSIU may take such other measures as are required for the orderly and fair conduct of the Competition. The ADR Board's interpretation as to the implementation of the Rules shall be final.

CLIENT COUNSELLING SEGMENT

COMPOSITION OF TEAMS

Each team shall consist of two students.

NATURE OF THE SEGMENT

- Each round shall be divided into two segments, i.e. (a) client consultation session and (b) post consultation session.
- In the client consultation session, participants shall be expected to elicit information from the client, briefly analyse the issues, and make preliminary recommendations to the client.
- The client consultation session shall be followed by a post-consultation session during which the participants, in the absence of the client, shall be expected to legally analyse the various issues that the case presents, and discuss the future course of action. They shall further discuss the suggestions made by them to the client, and whether they could have used a better approach in the session. The judges shall also question the teams on their session.
- It is clarified that participants shall tender legal advice to the client, referring to the laws prevailing in the country of their university.
- Participants are advised that they must keep in mind professional rules of ethics and conduct as applicable to lawyers, and act accordingly during the round. It is clarified that that all participants, regardless of the country of their university, shall be deemed to be subject to professional rules of ethics and conduct as issued by the Bar Council of India under the Advocates Act, 1961.

ROUNDS

- The competition shall consist of two preliminary rounds, following which, four teams with the highest cumulative score shall qualify to the semi-final rounds. The top two teams, with the highest cumulative scores in the semi-final rounds, shall qualify and compete in the final round.
- The winner of the final round shall be declared as the winner of the Client Counselling Competition.
- The teams will be barred from using electronics for the purposes of research during the round. Any such use of electronics will be grounds for immediate disqualification for the team.

COMPETITION TOPICS

The broad area of law for all the rounds shall be released in advance. They shall be in the form of an Office Memo written by the Office Secretary for the concerned lawyers.

TIME LIMITS

The Client Consultation Sessions shall of the following lengths respectively:

- Preliminary Rounds I and II – 25 minutes + 5 minutes of post consultation session
- Semi-Final Rounds – 30 minutes + 10 minutes of post consultation session
- Final Round – 45 minutes + 10 minutes of post consultation session

USE OF PROPS AND EQUIPMENT

Participants are not expected to bring any props or office furnishings for use in the rounds. It is clarified that there shall be no weightage whatsoever in the marking criteria for the same. In the digital space, there shall be no weightage whatsoever, for quality or appropriateness of the surroundings or environment in which the teams are situated.

Provided, that this shall not be construed as a prohibition against using books or any other relevant materials. However, the use of electronic devices shall be strictly prohibited for any purpose other than the video-conferencing itself.

NEGOTIATION SEGMENT

COMPOSITION OF TEAMS

Each team shall consist of two students.

NATURE OF SEGMENT

- The segment seeks to simulate a negotiation between teams based on some common facts and different confidential information privy to each side.
- Teams are allowed to be accompanied by a coach who shall be permitted to discuss the confidential information with their respective teams during their preparation time.
- The coach shall be permitted to watch the round of their respective team but shall not be allowed to communicate with the team during the round.
- Role allocation shall be made clear within each problem.
- The creation of extraneous facts is barred, and the same shall be penalized heavily. However, participants may narrowly interpret the problems and confidential information, to draw reasonable conclusions. It is advised that any assumptions sought to be made should ideally be clarified with the ADR Board. It is clarified that any real-life events not referred to in the problem shall be assumed not to have occurred. For instance, if a problem does not refer to the COVID-19 pandemic having occurred, the participants shall not assume the existence of the same.

PROBLEMS

- The general set of facts for the preliminary rounds shall be released in advance. The teams will have 7 days from the date of release of the problems to seek clarifications on the problems by filling a form on the NLS NMC website. The clarifications will be released at least 10 days before the competition begins.
- During the Preliminary Rounds, the party that a team will represent during a round, shall be intimated to them 30 minutes prior to the commencement of the rounds. The confidential information for the same shall also be released at that time.
- The party that a team will represent, and the confidential information for the quarter-final and semi-final rounds shall be released 40 minutes prior to the commencement of the rounds, whereas for the final rounds, it shall be released 60 minutes before the commencement of the round.
- It is clarified that the amount of time available to the participants after release of confidential information in any round may be changed at the discretion of the ADR Board, provided that the same shall be notified in advance, and shall be uniform for all participants.

ROUNDS

- The teams shall be divided into two pools on the basis of their team codes. Each team will be randomly matched with two other teams in the preliminary rounds. The top eight (8) teams shall qualify to the Quarter-Final rounds.
- Qualification of teams from the quarter-final round to the semi-final and subsequently from semi-final to the final round shall be on the principle of knock outs, based on the cumulative score obtained in that round.
- The winner of the finals shall be declared on the basis of the decision given by a majority of the panel of judges.
- The winner of the finals shall be declared as the winner of the Negotiation Competition and shall qualify to represent India at the International Negotiation Competition, Montana, USA 2022.

- The teams can bring and use their prepared handwritten or printed notes during the round. Teams will also be permitted to use a calculator and a stopwatch, if they wish to. However, the decision of the time-keeper with respect to the timing of the round shall be final.

- Use of other electronic devices such as mobile phones of any type or other electronic devices, other than tablets, laptops etc used to access the Competition's Videoconferencing platform, and in particular, any artefact capable of recording information is not permitted to be activated in the room where the online Negotiation Session takes place. Photographing, and screen recording by the teams or coaches during the Negotiation Session is also forbidden.

TIME LIMITS FOR THE ROUND

- Preliminary Round I and II – 40 minutes
- Quarter Final Round - 50 minutes
- Semi-Final Rounds – 60 minutes
- Final Rounds – 75 minutes

Provided, that the time limits may be changed at the discretion of the ADR Board before the release of the confidential information. Please note that these timings are exclusive of the time provided for the confidential information.

CONFIDENTIAL INFORMATION

- The teams shall not disclose their confidential information to any person other than their registered coach throughout the competition.
- Disclosure of confidential information by any team before or after their own round shall be grounds for immediate disqualification from the competition.
- For the preliminary rounds, the confidential information will be released to the teams in different breakout rooms of the meeting through screensharing. For the knock-out rounds, the confidential information will be shared with the team via email.

MEDIATION (CLIENT-ATTORNEY AND MEDIATOR) SEGMENT

COMPOSITION OF TEAMS

Client-Attorney Segment

- Each participating team shall comprise of 2-4 students.

In a round, any two members shall play the roles of client and attorney. The composition of the team in each round is left to the sole discretion of the team. It is clarified that it is not mandatory for each member of a team to have participated in any round.

Mediator Segment

- Each participating team shall comprise of 1-2 students.

Provided, that the client-attorney pair and a mediator from the same university shall not participate in the same room in a particular round.

- In the event that a mediator and a client-attorney pair from the same college have been matched for a round, the ADR Board, NLSIU reserves the right to change the pairing of the mediator and the client-attorney team for the round.

- The client-attorney pair and mediator representing a university shall be considered to be two distinct teams and qualification of one does not guarantee or depend the qualification of the other.

NATURE OF COMPETITION

- A Mediation session shall consist of two competing teams, with two team members on each side representing both the parties to the dispute, aiming to negotiate a transaction or the resolution of a dispute in the presence of one mediator.
- Each round shall have a set of common facts and different confidential information for each side. Mediators shall only be entitled to common facts, and the confidential information shall not be shared with them at any time before the round.
- Teams are allowed to be accompanied by a coach who shall be permitted to discuss the confidential information with their respective teams during their preparation time.
- The coach shall be permitted to watch the round of their respective team but shall not be allowed to communicate with the team during the round.
- Role allocation shall be made clear within each problem.
- Caucus refers to a private session between any of the parties and the mediators, whereas a conference refers to the negotiations and mediation in presence of both parties. The mediators or either party may call for a caucus. *Provided*, that in the preliminary rounds, each mediator may call as many caucuses as they deem fit, for a cumulative total period of 5 minutes each. *Provided*, that in the quarter-final rounds, the mediator may call as many caucuses as he/she deems fit, for a cumulative total period of 10 minutes. *Provided*, that in the semi-final rounds, the mediator may call as many caucuses as he/she deems fit, for a cumulative period of 15 minutes. *Provided*, that in the final round, the mediator may call as many caucuses as he/she deems fit, for a cumulative period of 20 minutes.
- The mediators or any member of either team may call a cross-caucus. *Provided*, that the aforementioned delineation of timings with respect to regular caucuses also applies to cross-caucuses.
- During a caucus, the non-participating parties will be put in a breakout room and will be allowed to enter the session again once the caucus is over.
Explanation:
A cross-caucus refers to a private session between the Mediator and either the Counsel from both Competing Teams or the Clients from both Competing Teams or any one individual from either team.

- The creation of extraneous facts is barred, and the same shall be penalized heavily. However, participants may narrowly interpret the problems and confidential information, to draw reasonable conclusions. It is advised that any assumptions sought to be made should ideally be clarified with the ADR Board. It is clarified that any real-life events not referred to in the problem shall be assumed not to have occurred. For instance, if a problem does not refer to the COVID-19 pandemic having occurred, the participants shall not assume the existence of the same.

PROBLEMS

- The general set of facts for the preliminary rounds shall be released in advance. The teams will have 7 days from the date of release of the problems to seek clarifications on the problems by filling a form on the NLS NMC website. The clarifications will be released at least 10 days before the competition begins.
- During the Preliminary Rounds, the party that a team will represent during a round, shall be intimated to them 30 minutes prior to the commencement of the rounds. The confidential information for the same shall also be released at that time.
- The party that a team will represent, and the confidential information for the quarter-final and semi-final rounds shall be released 40 minutes prior to the commencement of the rounds, whereas for the final rounds, it shall be released 60 minutes before the commencement of the round.
- It is clarified that the amount of time available to the participants after release of confidential information in any round may be changed at the discretion of the ADR Board, provided that the same shall be notified in advance, and shall be uniform for all participants.

ROUNDS

- Each team will be randomly matched with two other teams in the preliminary rounds. The top eight (8) Client-Attorney teams shall qualify to the knock-out rounds. For the mediators, the top 4 teams will qualify to the knock-out rounds.
- Qualification of teams from the quarter-final round to the semi-final and subsequently from semi-final to the final round shall be on the principle of knock outs, based on the cumulative score obtained in that round.

- The winner of the finals shall be declared on the basis of the decision given by a majority of the panel of judges. Please note that the finals of the Mediation (Client-Attorney) segment shall be mediated by the winner of the Mediation (Mediator) segment.
- The winner of the finals shall be declared as the winner of the Mediation (Client-Attorney) and Mediation (Mediator) Competitions.
- The teams can bring and use their prepared handwritten or printed notes during the round. Teams will also be permitted to use a calculator and a stopwatch, if they wish to. However, the decision of the time-keeper with respect to the timing of the round shall be final.
- Use of other electronic devices such as mobile phones of any type or other electronic devices, other than tablets, laptops etc used to access the Competition's Videoconferencing platform, and in particular, any artefact capable of recording information is not permitted to be activated in the room where the online Mediation Session takes place. Photographing, and screen recording by the teams or coaches during the Mediation Session is also forbidden.

TIME LIMITS FOR THE ROUND

- Preliminary Round I and II – 40 minutes
- Quarter Final Round - 50 minutes
- Semi-Final Rounds – 60 minutes
- Final Rounds – 75 minutes

Provided, that the time limits may be changed at the discretion of the ADR Board before the release of the confidential information. This time is exclusive of the time given for the confidential information.

CONFIDENTIAL INFORMATION

- The teams shall not disclose their confidential information to any person other than their registered coach throughout the competition. Disclosure of confidential information by any team before or after their own round shall be grounds for immediate disqualification from the competition.
- For the preliminary rounds, the confidential information will be released to the teams in different breakout rooms of the meeting through screensharing. For the knock-out rounds, the confidential information will be shared with the team via email.

PHOTOGRAPHY / FILMING

- Participants, Coaches and Judges are deemed to have agreed to the use of photography and video-recording by the ADR Board during the entire duration of NLS NMC 2022. The ADR Board shall record all rounds conducted during the NLS NMC. In case any judge is unable to connect or drops off the call during the round, they will be sent the recording and asked to evaluate the teams on the basis of the same.
- The Final Rounds of each segment will be livestreamed by the ADR Board on their social media handles and the participants, coaches and judges are deemed to consent to this public broadcast.
- Any individual seeking exclusions to the abovementioned points of photography and video-recording may convey the same to the ADR Board by sending an email to adrboard@nls.ac.in OR nmc@nls.ac.in, with the subject 'Request for exclusion from Photography/Filming', no latter than the commencement of the competition.

DIGITAL GUIDELINES

- This section shall be applicable to all segments of the competition.
- The VIII NLS NMC will be conducted on the video-conferencing platform, Zoom.
- The Mode of Communication between the Host Institution and members of Selected Teams shall be the 'Email' and 'WhatsApp Messenger' application, unless specified otherwise.
- Every Selected Team is required to have an internet connection with a speed of at least 2 MPBS; and a UPS/Battery Backup for the Electronic Gadget [Either a Laptop or a Desktop Computer] being used to participate in the Competition Session. Every Team will be required to keep a backup internet connection in case their primary connection fails for whatever reason.

- Every Selected Team shall, as far as possible, participate in the Competition Session while being seated in rooms with a professional / solid colour background; AND the camera of the Electronic Gadget being used by the Team must clearly show the participants and the surroundings of the room they are seated in.
- In the event of any of the participants in a round facing technical/ audio-video/network issues, such that they exit the Competition Room, or are unable to engage properly, a time of 5-7 minutes shall be provided for said participants to reconnect with alternative internet connection/s. The affected participant must immediately contact the Host Institution in case of any such issue, and provide updates regarding the problem at their respective end.
- During any of the knock-out rounds, in case a team cannot connect to the round for over 15 minutes due to technical/audio-video/network issues, they will be deemed to be knocked out, and the other Negotiating Team shall be adjudged the winner. In case a Mediator cannot reconnect due to such issues, a Backup Mediator shall take the place of the affected Mediator and the affected mediator will be deemed to be knocked out.
- The teams will not be allowed to screenshare any material over the course of the rounds, under any circumstances.
- The teams will not be allowed to use any electronic devices for research during the time after the release of confidential information and for the duration of the round.
- The members of the same Negotiation/Mediation (Client-attorney)/Client Counselling need not login from the same device or from the same place for the purposes of rounds.

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