



School of Law

Alternative Dispute Resolution Board 2018-19

REPORT ON THE WORKSHOP ON ALTERNATIVE DISPUTE RESOLUTION MECHANISMS IN COLLABORATION WITH CENTRE FOR ADVANCED MEDIATION PRACTICE



The CAMP Workshop on Alternative Dispute Resolution Mechanisms was organized by the ADR Board, for the 5th year students of School of Law, CHRIST (Deemed to be University).

The workshop sought to raise awareness on the nuances of Alternative Dispute Resolution amongst the imminent graduates and supplement their theoretical understanding of the subject through the course, with practical exposure from the experienced practitioners of CAMP. The Workshop sessions drew special attention to the processes of Negotiation and Mediation.

About CAMP

CAMP is an acronym for Centre for Advanced Mediation Practice. Constituted as CAMP Arbitration and Mediation Practice Pvt. Ltd., the organization comprises a dedicated group of Legal Professionals who provide Mediation services to disputing parties with an aim of aiding them in arriving at an amicable resolution of their disputes.



CAMP, an organization certified by the International Mediation Institute (IMI), strives to promote the settlement of disputes through Alternative Dispute Resolution

Mechanisms such as Arbitration, Mediation and Negotiation. They periodically undertake workshops and drives with a view of educating various communities and stakeholders on the merits of Alternative Dispute Resolution processes.

The Workshop

A three-member panel from CAMP, comprising Ms.Tara Ollapalli, Ms.Rukmini Menon and Ms. Aparna G. conducted the Workshop.

Firstly, the workshop addressed the concept of Alternative Dispute Resolution and examined its merits as a viable surrogate to the traditional dispute resolution route through Courts of Law.

The participants were guided through the processes of Negotiation, Mediation, Conciliation and Arbitration, wherein the processes were defined and their legal import expounded upon, following which, the various stakeholders in each of the processes were demystified. These processes were distinguished from one another from a practical paradigm.

Thereafter, the process of Mediation was discussed in depth. The panel drew the attention of the participants to the structure of a mediation session. The role of the Mediator was



elucidated and distinguished from the role of an Arbitrator, a conciliator and a Judge. Participants were called upon to notice various techniques employed by Professional Mediators to bring parties to an amicable agreement.

Following the discussion on Mediation, the focus was shifted to the process of Negotiation. The panel enlightened the participants on the benefits of the negotiation process in enabling swift, innovative and comprehensive resolutions to contentious matters without requiring the intervention of third parties.

Various negotiation principles such as Needs, Interests, Wants and Motivation were understood and thereafter, scrutinized from a practical perspective, wherein the panel harnessed their combined experience to enable the participants to arrive at a lucid understanding of their relevance to a negotiation.

Negotiation Styles were identified as Aggressive, Collaborative, Avoiding, Compromising and Accommodating and thereafter, the participants were called upon to identify their most preferred negotiation styles. Activities were conducted to enable the participants to appraise each style of negotiation. Additionally, the panel advised the participants on the practical import and consequences of each style, and techniques to navigate through the negotiation while employing these styles.

The panel grappled with concepts such as Reservation Price, Zone of Possible Agreement(ZOPA), Best Alternative to a Negotiated Agreement(BATNA) and Bottom Line Benefit and



decluttered them with the interest of identifying their relevance to the Negotiation process. A few test situations were identified and these concepts were applied to understand how these indicators enrich the negotiation process and sculpt the outcome of the negotiation process. Additionally, the panel also undertook to explain the process of arriving at these negotiation indicators through examples from real-world situations.

The fitness and utility of the negotiation process at various geographical paradigms were explored and the panel livened the discussion with a profusion of illustrations and anecdotes. The growing scope for Career Negotiators was discussed and the contemporary role of lawyers as negotiators was explained to the participants.



Finally, the participants were encouraged to engage in role-playing activities wherein they were instructed to simulate negotiations in multiple pre-determined hypothetical fact-situations. They matched

against their peers with the agenda set on the application of negotiation concepts to the given situations to arrive at amicable solutions. The panel imported further learnings into these activities thereby providing for an enriching and productive undertaking by the participants.

Outcome

The proliferation in resort to alternative dispute resolution indicates a metamorphosis in the perception of the dispute resolution process as an interventionist, adversarial effort to a collaborative, consultative and enlightening experience. State intervention through courts in private disputes is sought to be minimized and reserved to disputes with significant questions of law. Incidentally, the onerous and expensive process of Court-based dispute resolution has given way to Court-mandated Alternative Dispute Resolution, which is inexpensive, flexible and efficient, wherever possible. Even otherwise, parties to disputes have come to recognize and embrace the merits of a private and expeditious resolution with amicable solutions, which leave all parties to the dispute satisfied, and relationships intact.

The workshop was an interactive and practical guide for the students in unravelling the intricacies of the Alternative Dispute Resolution Mechanism and understanding the subtle distinctions between some of the various mechanisms. The practical exposure to the field through the panelists refined the views of the participants on



the subject and was therefore, successful in breeding a pragmatic view of Alternative Dispute Resolution. The

relevance and viability of Alternative Dispute Resolution in contemporary dispute settlement in matters across the board were identified and reconciled. This enabled the students to gain a holistic view of alternative dispute resolution and more particularly, the way in which the principles underlying these mechanisms dovetail across various day-to-day interactions. In effect, the workshop was a confluence between the pedagogic learning through the course and a heuristic approach to Alternative Dispute Resolution and therefore, infused value and significance to theoretical expositions on this subject. The workshop has also confronted the growing need for professionals capable of successfully engaging in alternative dispute resolution and addressed the same by infusing the learning into the student community and encouraging it to invest in the process in its professional endeavours.

REPORT ON ADR TRAINING WORKSHOP CONDUCTED ON THE 28th
NOVEMBER, 2018 by Ms. Kimberly and by Mr. Cezary Roguela

The workshop commenced at 10:30 a.m., an introductory note was given by the core committee member.

The workshop was moderated by Mr. John James Samuel, who is a law school alum. He is currently assisting the two speakers with their pro bono work. The agenda of the workshop was as follows:

The four personality types in Mediation. (Recognizing the same in yourself and others, and working with that information to tailor your technique for the most beneficial outcome.)

Benefits and roadblocks of mediation advocacy.

The first speaker was Ms. Kimberly is an attorney/mediator with over 18 years of experience in many areas of law including litigation, civil law, appeals and corporate law. She is a Listed mediator and trainer approved by Tennessee Supreme Court. She has experience in teaching and training students as a Professor at Bethel University and has trained professionals in mediation and negotiation courses in the areas of civil mediation, family mediation, elder mediation, domestic violence mediation, advanced mediation practice, reflective practice, train the trainer, ethics, negotiation, face reading, and public speaking.

Secondly it was Mr. Cezary Roguela who is a Permanent Mediator and mediator in criminal cases at the Kraków District Court (Poland), accredited by the Lewiatan

Mediation Centre (coordinator of the network of 16 Centres for Mediation and Arbitration in Poland). Attorney at Law (Adwokat, Polish Bar) with his own Law & Mediation Office in Kraków (www.rogula.com), Poland. Participant of the Joint Ph.D. Programme in Law (University of Antwerp, Belgium and Jagiellonian University, Poland). Lecturer and trainer: legal negotiations, international commercial mediation and arbitration. He specialises in international and domestic civil, family, commercial and consumer mediation and online dispute resolution (ODR). He is involved in ICC Mediation Competitions since 2009, CDRC Vienna since 2015 (Case Working Group member since 2015) and Lex Infinitum International Dispute Resolution Competition since 2018. Previously: visiting student at Harvard Law School, Katholieke Universiteit Leuven (completed Harvard Law School Program on Negotiation Workshop there) and visiting researcher at Heidelberg University. Jagiellonian University: School of American Law (2007), Master of Laws Programme (2009) and Postgraduate Diploma in Banking Law (2011). He organised and participated in numerous international and domestic conferences and training programmes on mediation and arbitration (organised by, inter alia, International Chamber of Commerce, American Bar Association, Association for International Arbitration, Centre for Effective Dispute Resolution, Centre for International Legal Studies, Chartered Institute of Arbitrators, International Academy of Dispute Resolution, International Institute for Conflict Prevention & Resolution, International Chamber of Commerce, International Mediation Institute, Singapore International Arbitration Center, Union Internationale des Avocats) and published texts on various legal topics.

The speakers had an interactive session with the students regarding the given agenda. The personality types of a negotiator were discussed in detail by using several case studies. They swiftly moved towards the second agenda and gave a brief outline of it. The workshop ended with a vote of thanks at 12:30 pm.

EVENT REPORT

School of Law, Christ (Deemed to be University's)

4th National ADR Competition 2018

School of Law CHRIST Deemed to be University's 4th National ADR Competition was conducted from 13th to 15th December 2018. Preparations began a month ahead of time with all the members of the Organising Committee on their toes to complete the minutest of detail in perfection before the dawn of the program.

The link for registrations was put up online on our blog on 30th September of 2018, and on various other online platforms like Lawctopus, Live Law and the like. We received a whole host of responses from across the country. Thus, began part II of the execution of the event.

Few weeks before the commencement of the competition, applications were received by the Organising Committee, that were sent by the students who were interested to act as clients for the competition. Following which, rigorous training sessions were conducted after 3:30 PM every day. Clients were picked for the various rounds.

The Inauguration Ceremony was conducted on 13th December, 2018 (Thursday) in Room No. 505 of Central Block, with the entire strength of participants, in full attendance. The inauguration was graced by **Mr. Satish Srinivasan, Partner, ALMT legal, Ms. Rukmani Menon, Mediator Bangalore Mediation Centre, and Ms. Rhea Matthew, Counsel with Arista Chambers.** A conceptual understanding was provided to the audience by elaborating upon the merits of Client Counselling, Negotiation and Mediation. The Hon'ble guests also explained the manner in which the proceedings occur and iterated the difference between the above stated facets of dispute resolution. They highlighted upon the growing importance of dispute resolution in the society and as to why it is preferred over litigation so that the audience understands its scope and as law students can seek, if we pursue the same in future.

The draw of lots was conducted before the inauguration, which was subsequently followed by the preliminary rounds. A total of 48 teams took part in the prelims, spanning from 16 colleges from across the nation. After a set of intriguing and brainstorming rounds, Day 1 ended with the announcement of the qualified teams for the finals of client counselling, to be held on the next day. High spot to the Organising committee was that all the judges provided with a feedback appreciating the remarkably outstanding work done.

Rounds on Day 2 began in the morning at 11A.M with the preliminary rounds that were followed by quarters for Mediation and Negotiation. Client Counselling finals were graced by the presence of **Justice. Veerna Angadi and Mr. Prabhakaran PM.** The sessions concluded in the evening at 8 P.M. District Court judges, Supreme Court advocates, mediators and practising lawyers were present to adjudge the rounds. The rounds were of exceptional standards and the clients were more tough to get through with as the rounds advanced. Three teams had been qualified to participate in the final Client Counselling round that was held from 4.00 PM to 6:30 PM on the same day.

After three meticulous rounds of participation, 4 teams (two each for Mediation and Negotiation) qualified for the finals which was conducted on the 14th of December in the Main Auditorium. This was followed by the Valedictory ceremony. Dignitaries who exalted the occasion and had also judged the finals rounds were Honourable **Mr. Justice Gopala Gowda, Rtd. Supreme Court Judge, Honourable Mr. Justice Chandra shekaria, Rtd. Judge, High Court of Karnataka, Mr. Prasanth Poppat, Senior partner ALMT Legal.** We are really thankful to **Ms. Tara Ollappaly, Co-ordinator CAMP,** for not only providing us with problem for final rounds of mediation but also assisting throughout the rounds. We are really privileged to have had them as the knowledge partners for the 4th NADR.

The Client Counselling Competition winners are as follows:

1. 2nd RUNNERS UP – West Bengal National University of Juridical Sciences
2. RUNNERS UP – Symbiosis Law School, Pune
3. WINNERS – National Law University, Jodhpur

The Mediation winners are as follows:

MEDIATORS RUNNERS UP – Narsee Monjee Institute of Management studies

MEDIATORS WINNERS – National Academy of Legal Studies and Research (NALSAR)

CLIENT ADVOCATE RUNNERS UP – Jindal Global Law School

CLIENT ADVOCATE WINNERS – The Tamil Nadu National Law University

BEST MEDIATOR – Joseph Moses, Jindal Global Law School

2nd BEST MEDIATOR – Shantanu Awasti, West Bengal National University of Juridical Sciences

The Negotiation winners are as follows:

1. RUNNERS UP- Dr. Ram Manohar Lohiya National Law University

2. WINNERS- National Law University, Jodhpur

National Law University, Jodhpur was declared as the overall champions for 4th National Alternative Dispute Resolution Competition, 2018



ADR Committee report on Primer & Introductory rounds for first years and Internal Ranking Rounds

PRIMER

The ADR Board organised a primer to be compulsorily attended by all the first-year students of the academic year 2018-19 on 4th and 6th of July 2018.



The Primer is an annual event conducted in furtherance to acquainting the first-year students to the nuances of the processes involved in Negotiation, Mediation, Client Counselling and other alternate dispute resolution methods. The primer this year was conducted in two separate batches which would facilitate better interaction and thereby lead to a clearer understanding among the students. The

sessions began with an addressing of the gathering by the faculty coordinator, Mrs. Sawmya Suresh who briefed the audience with the basics of the various alternative dispute resolution methods and amplified the same with real-life situations that the crowd could easily comprehend. This lecture was followed by 3 demonstration sessions conducted by the students of the fourth year on Negotiation, Mediation and Client Counselling wherein timely explanation was provided as to the processes of the same. This was also supplemented with advice on how to better ones' performance. The crowd was then engaged by the Convenors of the committee who further explained the concepts and answered any queries that the audience had with respect to any particulars of the functioning of the committee, the events conducted during the year by the committee and the working of any of the ADR methods of dispute resolution.



INTRODUCTORY ROUNDS

The introductory rounds are rounds that are conducted every year for the first-year students to expose them to a competition-like environment and are pitted up against each other. This year, the introductory rounds were conducted over a span of two days i.e. on 10th and 12th of July 2018. The rounds for Client counselling and Mediation were conducted on the first and

second day respectively. The problems presented to the participants were mainly based on tort law in order to facilitate wholesome understanding by the students. The event witnessed a prolific response as students enthusiastically involved themselves in this process of experience- based learning where they were required to practically apply the knowledge gained from the primers during the competition. The rounds were judged by the students of the fourth and fifth year of the academic year 2018-19 who provided them with constructive feedback at the end of each round so as to enable them to improve upon the same in time for the Internal Ranking Rounds that were to be conducted in the near future. After accumulating the scores of both rounds of all participants, the Core Committee released the rank list for the Introductory Rounds based on which the students could assess their performance and decipher their area of strength.

INTERNAL RANKING ROUNDS

The ADR Board organised the internal ranking rounds for the students of law school on 21st and 22nd of July 2018. The internal ranking rounds are conducted in every odd semester in order to sensitise the students to the functioning of various external competitions and to formulate a rank list to determine as to which teams would represent School of Law, Christ (Deemed to be University) at these competitions. The rounds this year were conducted on two days wherein the mediation rounds took place on the first and the client counselling rounds took place on the second day. In order to ensure transparency and facilitate the smooth functioning of the event, an autonomous Organising Committee was constituted of which no member was a member of the Core Committee. Over 100 teams enrolled for both competitions that were organised and the rounds proved to be a rather fruitful experience for the participants. The rank list of all the accumulated scores was released shortly after the rounds. This event provided the students with a level playing field and ensured that the eligibility of a team to represent the college was established in a well-defined manner.

