

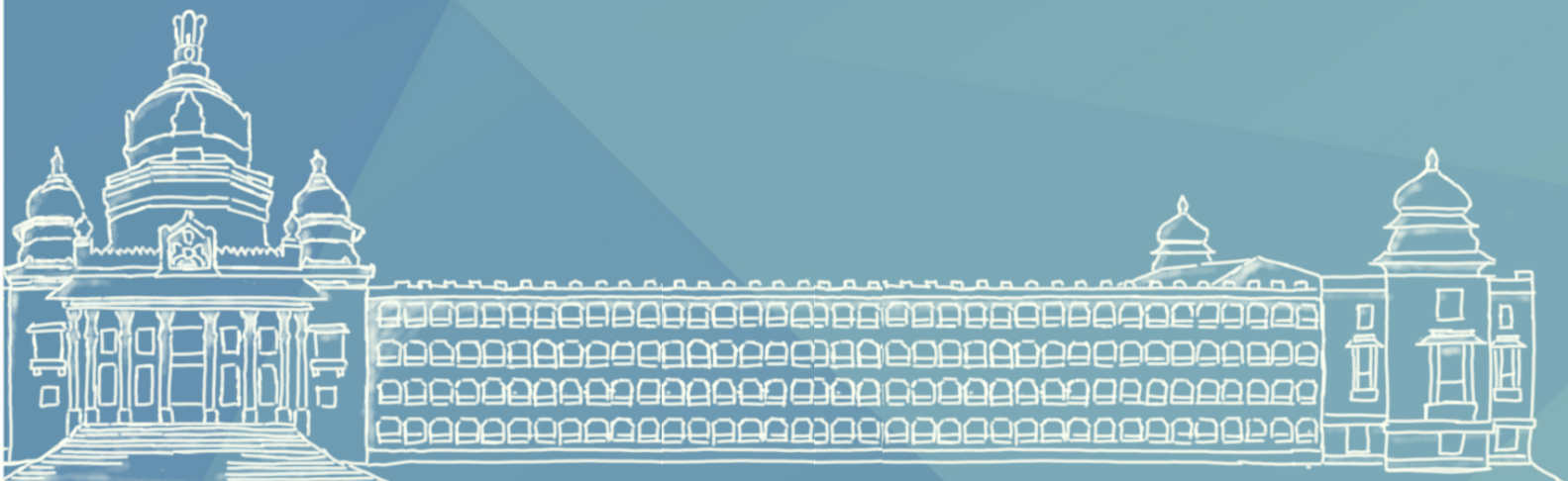


NLS NMC

28 April - 30 April 2023

**IX National Law School
Negotiation, Mediation & Client-Counselling Competition**

SCORING CRITERIA



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Marking Criterion - Advancing Interests of the Client - 20

- Conveying interests through Opening Statement.
- Ability to advance interests throughout the negotiation, while recognizing and accounting for the other parties' interests.
- Use of negotiation tools in advancing interests of the client.
- Awareness and when appropriate, assertion of BATNA.

Marking Criterion - Communication & Information Sharing - 20

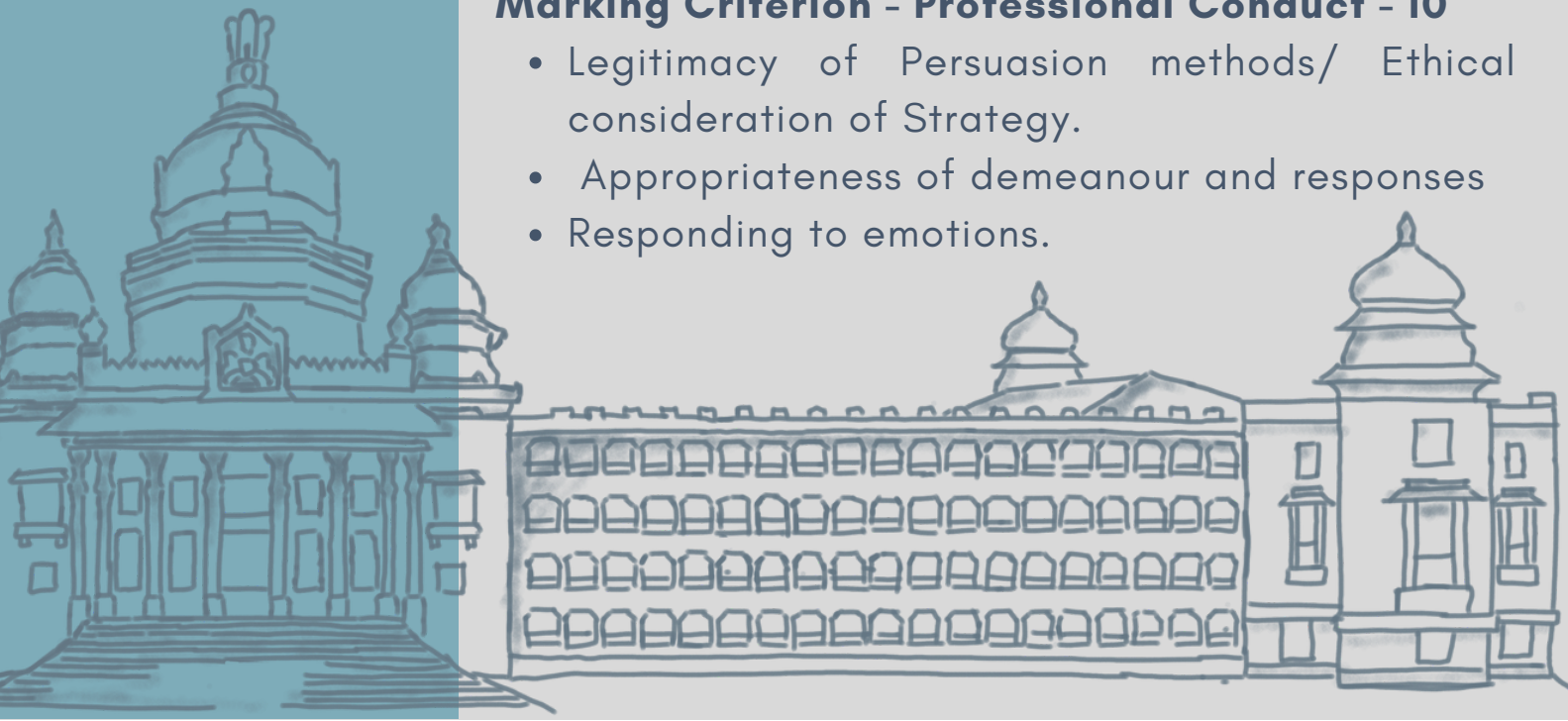
- Clarity of communication.
- Active Listening.
- Effective information gathering and sharing.
- Appropriate and strategic disclosure of confidential information.

Marking Criterion - Relationship Building - 10

- Building trust.
- Collaborative Approach.
- Negotiating in good faith.

Marking Criterion - Professional Conduct - 10

- Legitimacy of Persuasion methods/ Ethical consideration of Strategy.
- Appropriateness of demeanour and responses
- Responding to emotions.



NEGOTIATION

Marking Criterion - Teamwork - 10

- Effectively working together, Mutual Understanding, Good Coordination & Flexibly Appropriate Balance of Participation.
- Communicating subject matter relevant to respective roles.
- Was there a discernible role division within the team?

Marking Criterion - Commitment/Settlement Sought - 20

- Proposals presented. Creativity of solutions presented.
- Response to offers and providing counter-offers.
- Conformity of solutions presented and agreed to with interests of the client.
- Dealing with impasse/obstacles.
- Value Claiming & Value Creation.

Marking Criterion - Time Management - 10

- Effective distribution of time.
- Timely conclusion of the round.
- Did the team attempt to monopolize the time, in an attempt to prevent the other team from participating effectively?



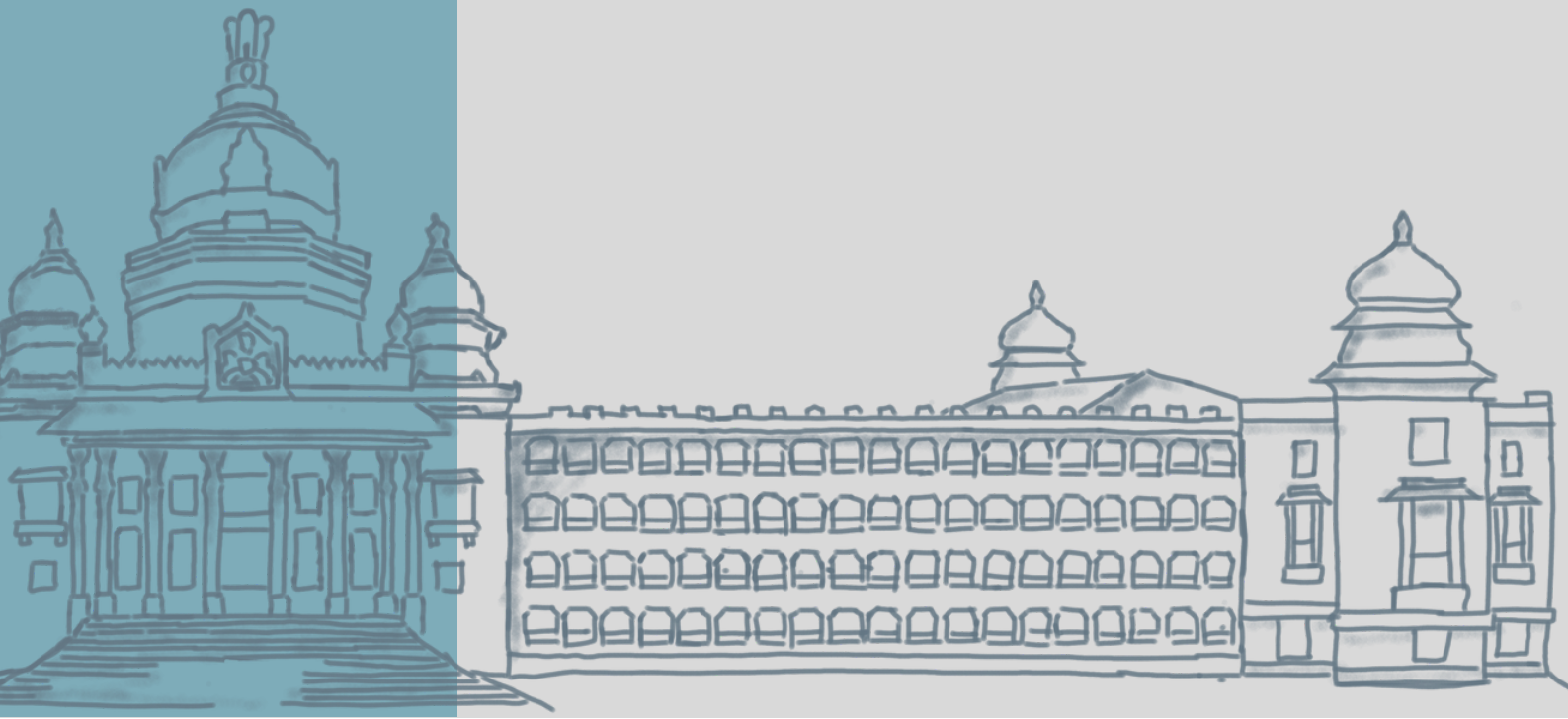
MEDIATION (MEDIATOR)

Marking Criterion - Communication Skills - 20

- Opening Statement.
- Identifying Interests, Needs, Goals, Views and Emotions.
- Using neutral and constructive language.
- Summarizing and re-framing where needed.
- Effective use of Active Listening techniques.

Marking Criterion - Problem Solving Skills - 20

- Asking for clarifications in a timely and appropriate manner.
- Helping parties separate their interests from their positions.
- Assisting the parties to understand the impact of the present dispute on their interests.
- Encouraging option creativity without any evaluative feedback.
- Assisting in reality checking.



MEDIATION (MEDIATOR)

Marking Criterion - Management of the Session - 10

- Time Management.
- Tracking progress and adapting the process to meet the circumstances of the discussion/needs of the parties.
- Effective use of the procedural tools to further the mediation.
- Supporting the negotiations through effective summarizing, identifying key information and impediments.
- Steps taken to prevent stalling and encouraging progress in the mediation.
- Managing conflicts at the table

Marking Criterion - Qualities of a Good Mediator - 10

- Effective preparation for the mediation.
 - Building trust in joint and private sessions.
 - Effectively understanding parties' interests.
 - Maintenance of neutrality throughout the round.
 - Appropriateness of the decision to call or not call a caucus.
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MEDIATION (CLIENT - ATTORNEY)

Marking Criterion- Advancing Interests Of The Client - 20

- Conveying interests through Opening Statement.
- Ability to advance interests throughout the negotiation, while recognizing and accounting for the other parties' interests.
- Flexibility in adapting to the unexpected while advancing interests.
- Awareness and when appropriate, assertion of BATNA.

Marking Criterion - Communication & Information Sharing - 10

- Clarity of communication.
- Active Listening.
- Effective information gathering.
- Appropriate and strategic disclosure of confidential information.

Marking Criterion - Relationship Building - 10

- Building trust.
- Seeking to be collaborative.
- Negotiating in good faith.

Marking Criterion - Teamwork - 10

- Effectively working together.
- Communicating subject matter relevant to respective roles.
- Advocate protecting the client's interests.



MEDIATION (CLIENT - ATTORNEY)

Marking Criterion - Using the Mediator - 10

- Seeking mediator's help at the right time and in an appropriate manner.
- Constructive response to mediator's interventions.

Marking Criterion - Commitment/Settlement Sought - 20

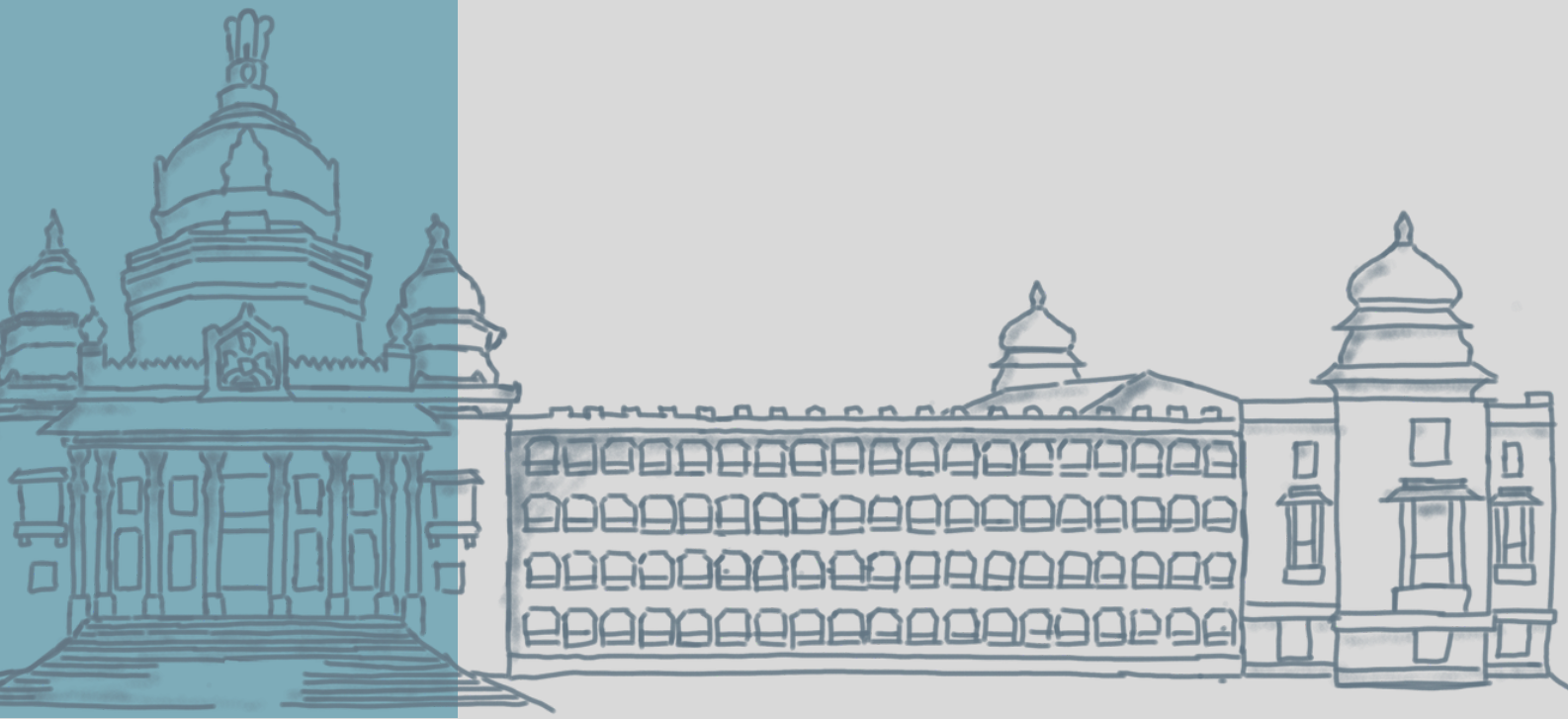
- Proposals presented.
- Creativity of solutions presented.
- Response to offers and providing counter-offers.
- Consistency/Conformity with interests of the client.
- Dealing with impasse/obstacles.
- Outcome achieved.

Marking Criterion - Professional Conduct - 10

- Legitimacy of Persuasion methods/Ethical consideration of Strategy.
- Appropriateness of demeanour and responses• Responding to emotions/concerns.

Marking Criterion - Time Management - 10

- Effective distribution of time.
 - Timely conclusion of the round.
-



CLIENT COUNSELLING

Marking Criterion - Establishing An Effective Professional Relationship - 10

- Creating a good working atmosphere for the session.
- Orienting the client to the special nature of a lawyer-client relationship [Discussion of Confidentiality, Rights & Obligations, Fees, Structure of Session, Future Sessions].

Marking Criterion - Obtaining Information - 10

- Eliciting relevant information from the client [Legal & Non-Legal].
- Manner of eliciting and managing sensitive information/details.
- Understanding the feelings of the client, as intertwined with facts.
- Active Listening on the part of the Lawyers.
- Developing a complete and reliable understanding of the facts.

Marking Criterion - Learning The Client's Goals, Expectations & Needs - 10

- Understanding the Client's Needs [Reasons behind Goals]
- Understanding the Client's Goals & Initial Expectations [Outcomes]
- Developing/Restating/Modifying Goals and Initial Expectations, with the input of the Client, as necessary



CLIENT COUNSELLING

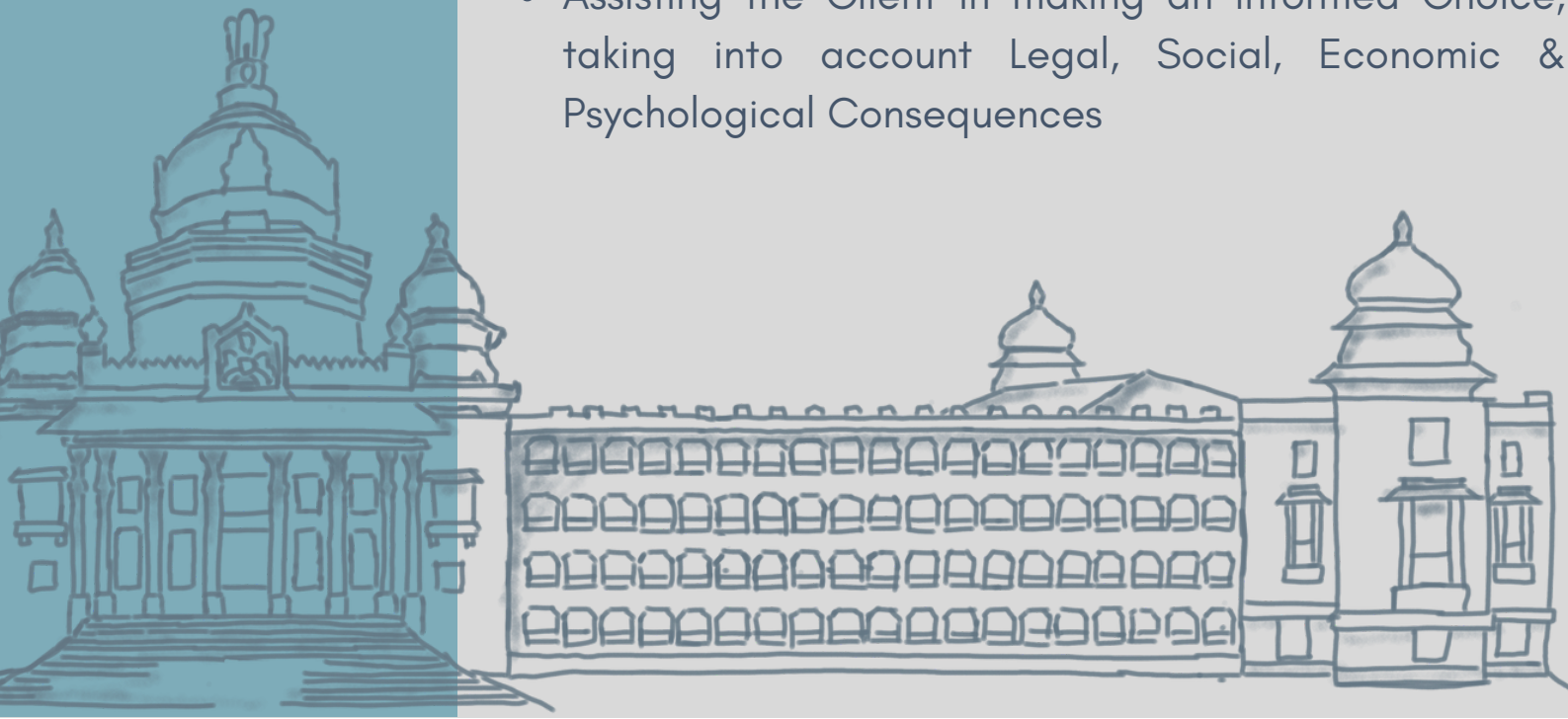
Marking Criterion - Problem Analysis And Advice - 10

- Brief Description/Restatement of the Problem
- Creative Analysis of the Problem [Legal & Non-Legal Perspectives]
- Identification/Formulation of Issues [Legal & Non-Legal]
- Brief discussion of Legal Position
- Accuracy of Legal Analysis
- Discussing interface of legal and non-legal issues
- Appropriateness of Legal Advice [Is it consistent with the achievement of the Client's Goals?]

Note: Participants are expected to analyse the legal position and tender advice to the client referring to the laws prevailing in the country of their residence.

Marking Criterion - Developing Reasoned Courses Of Action - 10

- Development of Effective & Feasible Options [Legal & Non-Legal]
- Whether Courses of Action address Client's Needs, Goals & Expectations?
- Balancing Legal & Emotional Needs of the Client
- Helping the Client understand the Appropriateness of Possible Solutions, in light of Goals
- Assisting the Client in making an Informed Choice, taking into account Legal, Social, Economic & Psychological Consequences



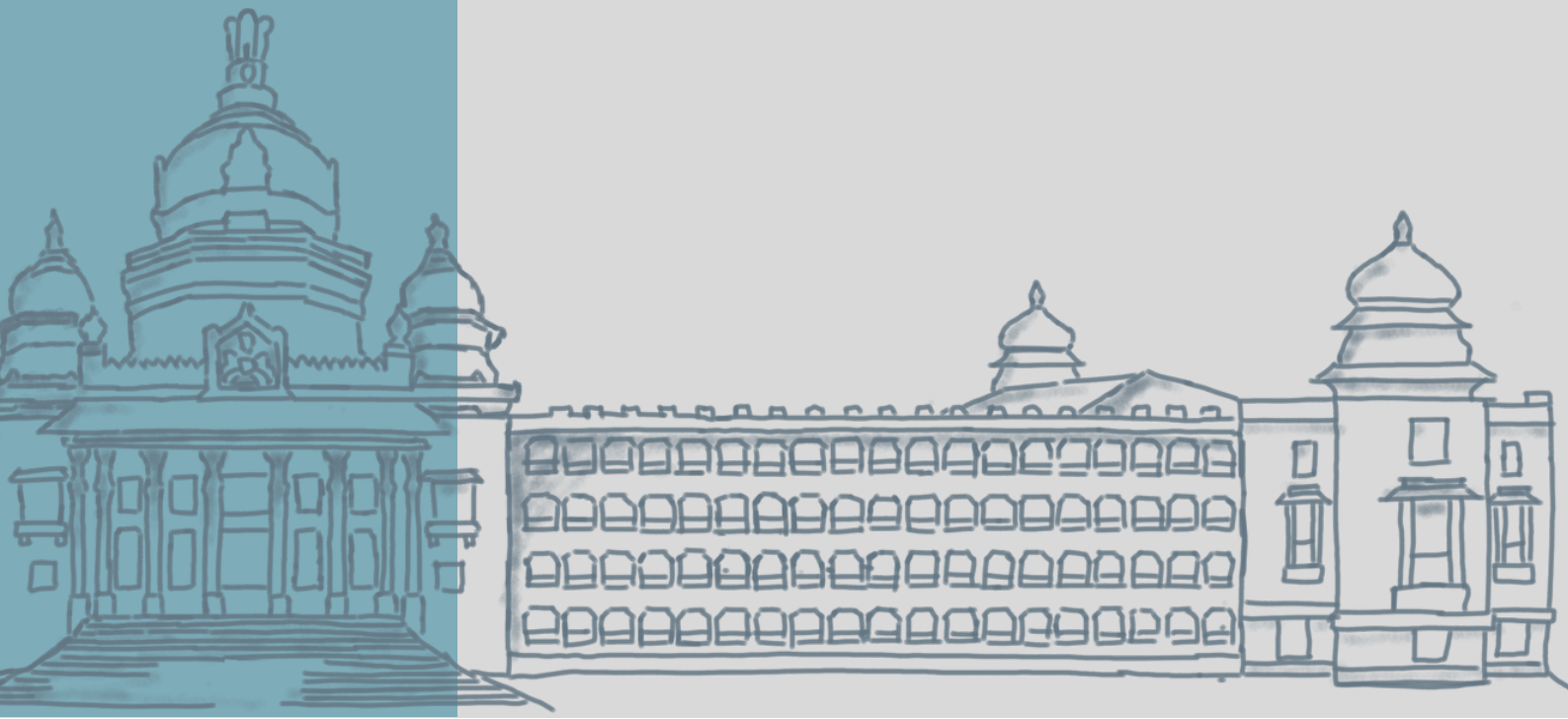
CLIENT COUNSELLING

Marking Criterion - Effectively Concluding The Interview - 10

- Effective & Skillful Conclusion of the Interview
- Whether the Client left with a sense of Confidence in the Lawyers?
- Whether the Client left feeling appropriately reassured?
- Whether the Client left with a clear sense of what to expect next?
- Whether the Client left with a clear sense of Mutual Obligations to follow?

Marking Criterion - Teamwork - 10

- Appropriate Balance of Participation
- Was there was a discernible role division within the team?
- Did the Lawyers display Mutual Understanding, Good Coordination & Flexibility in managing the Client?
- Did the Lawyers work well together, as a team?



CLIENT COUNSELLING

Moral & Ethical Issues - 10

- Did the Lawyers recognize/identify the moral and ethical issues?
- Dealing with moral/ethical issues professionally, and without judgement
- Did the Lawyers take into account rules on professional standards?
- Did the Lawyers propose unethical/immoral tactics or methods?

Post Round Analysis - 10

- Detailed Discussion of Legal Questions[Possible Arguments & Counter Arguments][With reference to applicable statute/authority, if any]
 - Potential & Pitfalls of Strategy Proposed• Acknowledging Strengths & Limitations of Interviewing/Counselling Skills
 - Detailed Discussion of Non-Legal Issues
 - Overview of Session
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