

HAMLIN-IIAM MOOT COMPETITION ON ARBITRATION



First National Moot Competition on Arbitration
At Cochin, Kerala

On November 11, 12 & 13, 2005

Jointly conducted by

dispute|resolution
INSTITUTE
HAMLIN
UNIVERSITY
SCHOOL OF LAW

&



**INDIAN INSTITUTE OF
ARBITRATION & MEDIATION**

institution for alternative dispute resolution

RULES

1. Registration procedure:

- 1.1 The Moot is open to any law school or law university. Any school wishing to participate in the Moot must send a written confirmation to IIAM on or before 15th October 2005.
- 1.2 Registration for the competition shall commence on at 10:00 am, on 11th November 2005 and shall end at 5:00 pm. The participating teams must submit the duly filled registration form together with a non-refundable registration fee of Rs. 500. The fee must be paid by demand draft drawn in favour of the Indian Institute of Arbitration & Mediation and payable at Cochin.

2. Problem for the Moot:

- 2.1 Moot topic: The problem in the Moot involves a dispute between a UK and an Indian company in regard to the outsourcing of sportswear production from the UK company to the Indian company.
- 2.2 Forum: The controversy is before an arbitral tribunal consisting of three arbitrators.
- 2.3 IIAM Rules: Whenever the problem refers to the current Rules of the Indian Institute of Arbitration and Mediation (IIAM), it should be understood as referring to the Rules of the IIAM that are at present in force. A copy of the Rules may be found at the IIAM website at www.arbitrationindia.org. In addressing the moot problem, however, the participating teams should not limit themselves to the IIAM Rules but may also refer to such laws, rules, treaties, treatises and other resources on international commercial arbitration, intellectual property or alternative dispute resolution (ADR) in general that may be applicable or relevant to the dispute presented. In particular, participating teams should also consider the relevant provisions of the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, as well as the International Bar Association (IBA) Rules and Guidelines.
- 2.4 The problem will be distributed by IIAM on 1st October 2005 and will also be made available at the IIAM website at www.arbitrationindia.org. Requests for clarification of the problem shall be made in writing and must be received by IIAM not later than 20th October 2005. Requests for clarification may be sent by mail or email. The request should be limited to matters that are relevant to the problem presented and must briefly explain why the clarification is necessary. Requests that do not contain any explanation, or which cover matters the organizers consider to be either already contained in the problem or are part of the issues that the participating teams are expected to argue, may also be ignored. The Clarification

issued by IIAM will be distributed to all teams by e-mail and shall become part of the problem.

3. Teams:

- 3.1 Composition: A participating law school or law university may enter only one team, consisting of two students, both of whom will be advocates for the whole competition. In addition, a participating school may bring in another student as an observer/researcher who will not be allowed to argue. No student who has enrolled to practice law is eligible to participate.
- 3.2 List of Team Members: The participating school shall indicate in its registration form the names of its team members (including its researcher/observer, if any). Certificates of participation for participating team members will be prepared from the lists submitted to IIAM. Names should therefore be in the form in which they should appear on the certificates.
- 3.3 Participation: Members of the team shall participate in the preparation of the memoranda for claimant and respondent and will present the argument. The researcher/observer shall not aid them during the argument in any way. While the memoranda are being prepared, team coaches are expected to refrain from assisting their team members in any way other than offering advice on the structure and presentation of arguments.

4. Written memoranda:

- 4.1 Each team must submit a memorandum in support of the claimant and a memorandum in support of the respondent. The memoranda must be mailed or personally delivered to IIAM, and must arrive no later than 5:00 pm on 1st November 2005. The memoranda shall be in five (5) copies each, for total of ten (10) copies. All memoranda received at IIAM shall be time-stamped and dated. Teams that are unable to submit their memoranda on time and in the required number of copies, for whatever reason, shall be automatically disqualified from further participating in the competition. IIAM shall send official notification of this fact to any team thus disqualified.
- 4.2 The memoranda shall be sent to the following address:

Indian Institute of Arbitration & Mediation,
Second Floor, PDR Bhavan,
Foreshore Road, Cochin 682 016, Kerala State.
Tel: 0484 5570101 / 5570102
- 4.3 In addition to hard copies, each team must email an electronic copy of their respective memoranda to IIAM at adrco@arbitrationindia.com not later than 5:00 pm on 1st November 2005. The electronic copies of the memoranda must be sent as

attachments to the email instead of being incorporated into body of the email. In order to ensure that the electronic and hard copies of the memoranda are identical, the electronic copies must be in Portable Document Format (pdf).

- 4.4 Memoranda may contain citations and authorities advancing the argument made by the party.
- 4.5 The length of each memorandum shall not exceed thirty (30) pages, including the statement of facts and arguments. The memoranda must be printed in A4 sized paper and shall be double-spaced, consecutively paginated and in 12-point font size using Times New Roman typeface. All copies must be clear and legible. All copies of the memoranda must be bound or stapled securely. The name of the team, together with the designation of the party represented (i.e., Claimant or Respondent) must appear prominently on the outside cover page of the memorandum.
- 4.6 A memorandum may not be revised once it has been submitted to IIAM. Revised or additional pages submitted to IIAM -- including pages that may have been inadvertently omitted -- will be ignored.
- 4.7 Memoranda will be evaluated on the basis of the quality of the analysis, persuasiveness of argument, thoroughness of research and the clarity of writing. The scores given by the evaluators shall then be added in order to determine the winner of the award for Best Memoranda.
- 4.8 Memoranda once submitted shall be the property of IIAM and may be copyrighted by the institute.


4. Hearings:

- 5.1. The oral hearings of the Moot competition will be held at the National University of Advanced Legal Studies (NUALS), Cochin, Kerala.
- 5.2. General Rules: Each team will argue two times in the general rounds, once as claimant and once as respondent. The general rounds will be scheduled so that each team will argue twice the same day, Saturday 12th November 2005. However, should there be an odd number of participating teams, or for other reasons, it may be necessary for a team to argue more times on the same day.
- 5.3. Duration: Each team will be given forty-five (45) minutes for oral argument, which includes time spent responding to questions from the arbitral tribunal. While both team members must argue in each round, the team is free to decide which team member will argue on a particular issue and how much time will be allocated to each. The arbitrators shall decide the procedure in conducting the arguments and may fix a longer or shorter period for the argument.

- 5.4. Scoring: Each arbitrator will score each of the advocates. The scores of the two advocates will then be added to constitute the team score for that round.
- 5.5. Elimination Round: After the general rounds, the scores of each team for its oral presentation in the two arguments shall be added. The eight teams that have obtained the highest composite scores will meet in the quarterfinal round on Saturday evening, 12th November 2005. If there is a tie for 8th place, the decision as to which team will enter the round will be determined by the score of the memoranda. If then also the score ends in a tie, the team will be determined by lot. The teams will be paired so that the first and eighth, second and seventh etc. will argue against one another.
- 5.6. Quarter Final Round: The eight winners of the General round will meet in the quarterfinal round, Saturday evening, 12th November 2005.
- 5.7. Semifinal Round: The four winners of the quarterfinal round will meet in the semifinal round on Sunday morning, 13th November 2005.
- 5.8. Final Round: The two winners of the semifinal round will meet in the final round, Sunday afternoon, 13th November 2005.
- 5.9. Winning Team: The winning team of the Moot competition is the team that wins the final round of the Moot.
- 5.10. Procedure in case of a tie: In the event that the scores of the competing teams are tied in any of the rounds, the winner of that round will be the team that received the higher aggregate score for their two memoranda. In case of a further tie, the winning team for that round will be determined by lot.

6. Awards:

6.1. The awards given in the Moot are:

- The winning team will receive the “**Chief Justice M.N. Venkatachaliah**” award, which includes a 50% tuition scholarship for each team member choosing to enroll in the IIAM-HUSL Tri-Continental LL.M program*. And Manupatra Case Locator CDs of **Supreme Court and Arbitration** (Judgments of SC and all HCs covered) worth Rs.30,000/- for the Winning Team. Sponsored by  **manupatra**

- Award for the Runners-Up
- Award for Best Written Memoranda.
- Award for Best Student Advocate**

* Non-transferable and not redeemable for cash

** This award will be given to the individual advocate with the highest average score in the rounds.

7. Timeline for the Moot

<u>Description</u>	<u>Dates</u>
Confirmation	On or before 15 th October 2005
Registration	10.00 am to 5.00 pm – 11 th November 2005
Request for clarification of the problem	Until 20 th October 2005
Submission of memoranda for the Claimant and for the Respondent, and submission of the electronic copies of the memoranda by email	Until 1 st November 2005
General rounds	12 November 2005
Quarterfinal round	12 November 2005
Semifinal round	13 November 2005
Final round and awarding ceremony	13 November 2005

8. Mailing Address

8.1 All communications and queries in regard to the Moot should be addressed to:

Smt. Preethi Mulloth,
IIAM ADR Co-ordinator,
Indian Institute of Arbitration & Mediation,
Second Floor, PDR Bhavan,
Foreshore Road, Cochin 682 016, Kerala State.

Tel: 0484 5570101 / 5570102
Mobile: 0 98950 07505
e-mail: adrco@arbitrationindia.com

REGISTRATION FORM

Hamline-IIAM Moot Competition 2005
November 11 – 13, 2005

Name of Applicant College: _____
(IN CAPITAL LETTERS)

Complete address for correspondence: _____

Pin Code: _____ Phone: _____

Fax: _____ Mobile: _____

Email: _____

Details of Participants: Name: _____
(IN CAPITAL LETTERS)

Year of study: _____

Gender: _____

Name: _____
(IN CAPITAL LETTERS)

Year of study: _____

Gender: _____

Details of Observer/
Researcher Name: _____
(IN CAPITAL LETTERS)

Year of study: _____

Gender: _____

Date:
Signature of Institution Head:

(FOR OFFICE USE ONLY)

Name of Institution:

Fee:

No. of participants (Gender-wise):

Days:

Memoranda:

Code: