

Kluwer Mediation Blog

Lex Infinitum – Celebrating Three Years of Inspiration

Jonathan Rodrigues (Peacekeeping and Conflict Resolution Team), M.R.K. Prasad (V M Salgaocar College of Law), and Anna Howard (Centre for Commercial Law Studies, Queen Mary University of London) · Saturday, January 6th, 2018

For many student mediators across the globe, the start of the new year will bring the final stages of their preparation for two mediation competitions. Next week, the [Lex Infinitum](#) competition will be held at V. M. Salgaocar College of Law, Goa, followed, in February, by the ICC Mediation Week in Paris. Now in its third year, Lex Infinitum: VMSCL-WMO International Dispute Resolution Competition will soon welcome 24 teams from across India and further afield including teams from Poland, the UK, Russia, Singapore, Nigeria, Ukraine and Kenya. They will be joined by mediation professionals from across the globe

Last year, in his post [Lex Infinitum – Talking Mediation in India](#), Greg Bond shared the reflections of some of the people he met at the 2017 competition. In this post, I (Anna) have the privilege of interviewing the founders of the competition, Prof. Dr. M R K Prasad and Jonathan Rodrigues. Prof. Dr. M R K Prasad is the dean of the Faculty of Law, Goa University and Principal of V. M. Salgaocar College of Law. Jonathan Rodrigues is an alumnus of V. M. Salgaocar College of Law and the co-founder of the [Peacekeeping and Conflict Resolution Team](#) (PACT), a collective of mediation professionals who work towards promoting mediation in India through workshops, competitions and conferences. In this interview, Prof. Prasad and Jonathan offer their insights on the aspirations behind the competition, its impact on the participating students and professionals, and its influence on the growth of mediation in India.

Anna: Lex Infinitum is now in its third year and is a firm fixture in the global mediation competitions calendar. What were the aspirations behind the competition?

Jonathan: By way of brief background, I created and conceptualized Lex Infinitum under the guidance and mentorship of Prof. Prasad, with V. M. Salgaocar College of Law as the host institution. Gracious Timothy, co-founder of PACT, was instrumental in taking the competition up a notch in the second edition, reaching out to a wider global community of mediators. The competition owes its growth and popularity to the organising teams and volunteers who have worked tirelessly and passionately every year, taking the baton forward and inspiring others. The competition is setting some high goals and achieving them. While conceptualizing Lex Infinitum during the winter of 2015, the organizing team set itself a simple goal: “To get better every passing year and to stay exclusive to quality and inclusive in diversity”.

We are grateful for the unconditional support and encouragement we have received from the global community of mediation and conflict resolution professionals over the last three editions. The idea

was to create a platform for law students in India to rub shoulders with their peers from different parts of the world; to test their skills and challenge themselves to compete in an amicable atmosphere; and to do all this by staying sensitive to, and respectful of, diversity and differences.

Through the challenging competition problems, stringent screening of participating teams, high standards of assessment and transparency of scoring, Lex Infinitum has set the bar high for other mediation competitions in the country. Though just three years old, it has attracted attention from almost every top law school in the country. From national law schools to premier private law institutions, from the oldest law colleges in the country to the very recently established, Lex Infinitum has opened its doors to those who show commitment and passion in nurturing mediation on their campuses.

The idea was of course to go beyond just the academics and awards, and to create a space for networking and to build a community of resources. The socials organized every night, the dance and dine parties, the workshops and knowledge sessions and the impromptu intellectual jams contributed to making this a unique event in India. We also followed the Practice and Preach method, where the law students of the host college would go to the community in Goa and spread the word on mediation through speeches and street plays. As much as the response has been overwhelming, more needs to be done to reach out more extensively so that, in the years to come, the competition will have even greater representation from across the globe.

Anna: Do you see a difference between the students' attitudes towards mediation compared to those of the (older) members of the legal profession?

Jonathan: The basics – voluntariness, confidentiality, neutrality and most importantly, self-determination – seem to be more appealing to the younger generation of professionals who want to make decisions by themselves rather than being spoon-fed by a third party.

Mediation also demands certain calmness and composure in tackling tense moments. An apology or a compliment is a step forward and not a weakness. It's much tougher for senior members of the legal profession, who have been schooled to be adversarial and polarizing in their approach, to suddenly wear a different cape and encourage their parties to find common ground. Sometimes, impasse ice-breakers such as 'I am sorry, I could have been wrong there' or 'Thank you, I appreciate everything you have done to make this easier' are the hardest statements made in a mediation setting. The younger generation doesn't mind keeping its arrogance at bay, if they can be assured that they can 'move on' and it won't "lend them broke", while their interests are respected and prioritized. Being soft on the person and hard on the problem is a tough pill to digest for many senior professionals in the legal field. However, the tides are changing, and so are the attitudes.

Having trained and worked with over 2,000 students across the country through PACT's workshops, I can testify that there is a deep-rooted sense of frustration towards the inefficiency of the courts in India and their indifference to the backlog of around 30 million pending court cases. There is a revolution brewing in the country, where young lawyers are earnestly looking forward to exploring a career in consensual dispute resolution. This trend and momentum has inspired many senior advocates and judges to learn about mediation and get themselves trained as well. Mediation needs the drive of the young and the tact of the elders to thrive in India.

Anna: What do the students seem to value most from their experience of taking part in the

competition?

Prasad: For many students, this is their first experience of having a close to real-life negotiation or mediation session. Therefore, the very opportunity of putting their skills to the test in a competition setting is what they value the most. The workshops before the competition are also a unique feature that weren't too common in India a few years ago. Their biggest takeaway, though, is the feedback they receive after every competition round and the opportunity to network with some of the most experienced and renowned professionals in the field of consensual dispute resolution. Also, at Lex Infinitum, it doesn't matter which institution you represent, everyone is treated equally.

Anna: What do the assessors learn from the students taking part in the competition?

Jonathan: Assessors have a bag full of takeaways at the end of the competition. Besides soaking in the sun-baked beaches, delicious food and the green countryside, an opportunity to watch, guide and advise young mediation enthusiasts is something that professionals can look forward to at Lex Infinitum. India, as we know, is more than just a country, it's a civilization; therefore, the learnings are immense even for someone who has been practising mediation for decades. Among the Indian teams, there is so much diversity – language barriers, accents, religious, social and cultural backgrounds, approaches to gender and age, habits and mannerisms, etc. All these elements are on display during the competition rounds, consciously or not, and the assessors get to witness, first hand, this rich array of characteristics.

Anna: How has the competition contributed to the development of mediation in India?

Prasad: The concept of mediation has been practised in India much before the colonial rule, albeit through different means and platforms. But, many of these practices do not have a structure or guidelines to monitor their efficiency and credibility. The competition contributes towards developing systematic procedure and standards that are required for mediation. As they prepare to be lawyers, the students realize that mediation demands a different temperament and skill set.

The concept of mediation has certainly picked up in the country, with students showing tremendous interest in mediation competitions. In the first edition, we had to work hard to get 24 teams to register, last year we had 50 teams that applied and this year that number is nearing 60. In the first year, we had 5 international experts and two international teams; in the second edition in 2017, we had 4 international teams and 17 international experts. This year, we have 22 international experts boarding their flights. This also reflects how it has grown in popularity in the global community.

Anna: Finally, can you offer any tips for the students as they make their final preparations for the competition?

Jonathan: The competition challenges you to keep your approach simple and yet explore the infinite innovative possibilities of resolving conflict. The assessors always appreciate creativity and courage, but deviating from the fundamental principles and rules that govern the practice of mediation could lose you marks. There is no room for intuition and postulation; preparation and anticipation are key. There is no substitute for reading the competition problems, brainstorming strategies and rehearsing simulations prior to competing at Lex Infinitum. Miss out on any of those three pillars of preparation and you join the company of mediocrity.

I would also suggest that participants practise reframing, summarizing and questioning – skills that turn us into groomed negotiators and which are also relevant in the context of the competition, considering that English will be spoken in different accents, dialects and intonations. Finally, the basics: when you speak, be clear and throw your voice out so that the assessors may hear you. And, when you have nothing to say, listen empathically.

All the very best of luck to the teams taking part in Lex Infinitum next week.

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