



**ANU** LAW  
STUDENTS'  
SOCIETY

# **Negotiation Competition Rules 2010**

## 1. TEAMS

- 1.1 Each team *must* consist of 2 members.
- 1.2 All team members must be members of the Law Students Society of the Australian National University.
- 1.3 Competitors must not have completed a law degree or equivalent qualification for practice in any jurisdiction.
- 1.4 Competitors in the Novice Negotiation must not have competed in any internal ANU Negotiation competition run by the LSS.
  - 1.4.1 If a competitor has competed only partially, or has competed in a similar competition external to the ANU, they must seek special permission to register from the Director of Competitions.
- 1.3 Teams must register by the registration date as set by the competition convenor.
- 1.4 The order of competition will be set randomly by the competition convenor.

## 2. COMPETITION STRUCTURE

- 2.2 The competition consists of preliminary rounds, semi finals and a grand final.
- 2.3 Preliminary Rounds:
  - 2.3.1 In the event that an even number of competitors enter the Negotiation competition, all competitors will compete in all preliminary rounds.
  - 2.3.2 In the event that an odd number of competitors enter the competition, one bye per round will be declared. The bye will be allocated *randomly*. A competitor with a bye will be awarded the average mark scored by that competitor in all other rounds of the competition.
  - 2.3.3 Preliminary round pairings will be determined randomly.
  - 2.3.4 Where possible, competitors will not be paired against the same opponent in more than one preliminary round.
- 2.4 Finals Procedures:
  - 2.4.1 Semi-finalists will be announced after the conclusion of the preliminary rounds.

- 2.4.2 Semi-finalist pairings will be determined randomly.
- 2.4.3 The winning team from each semi final will proceed to the grand final.

### **3. RELEASE OF QUESTIONS**

- 3.1 Release of Preliminary Round Questions
  - 3.1.1 Each preliminary round has a separate question.
    - 3.1.1.1 The questions involve two sets of information: first, a common set of facts known by all participants, and, second, additional confidential information known only to the teams representing a particular side in the negotiation.
    - 3.1.1.2 Legal background material may also be provided to participants.
- 3.2 Release of finals questions
  - 3.2.1 Finalists will be notified as soon as results are available from the preliminary rounds.
  - 3.2.2 The questions for the final rounds will be released after the conclusion of the preliminary rounds.
  - 3.2.3 The question for the grand final will be released 1 week in advance.

### **4. PREPARATION**

- 4.1 No person may attempt to communicate in any way with any of the participants during a round, from the beginning of the participants' negotiation session to the completion of the last self-analysis period of the round.
  - 4.1.1 The mere act of communication or receipt of information proscribed by this rule constitutes a breach of the rules, regardless of the substance thereof and regardless of whether initiated by a participant or by any other person.
- 4.2 Breach of 4.1 or 4.1.1 results in disqualification.
  - 4.2.1 Innocent mistake is not a defence to a complaint based on breach of this rule; even casual exchanges unrelated to the substance of the negotiation are enough to breach 4.1 and 4.1.1.

### **5. JUDGING**

- 5.1 Number of Judges
  - 5.1.1 Rounds may be heard by one to three judges, depending on availability.
- 5.2 Qualification and Selection of Judges
  - 5.2.1 Judges will be judges, magistrates, legal practitioners, legal academics or others with a demonstrated experience in competing in or judging negotiation competitions.

- 5.3 Judges shall have access to all simulation materials provided to participants. The judge(s) will evaluate the performance of the participants according to the criteria provided. Teams are strongly advised to have regard to it in preparation of the moots.
- 5.4 Judges must award each team with a different total score; no draws are possible.
- 5.4 Return & Revelation of Scores
  - 5.4.1 At the conclusion of a round, the judges will reveal to the competitors before them which team has won and also their respective scores.
  - 5.4.2 Each team's score will be submitted to the Director of Competitions or a person nominated by him.
  - 5.4.3 At the conclusion of the competition the Director of Competition or chosen representative will release a ranking of all teams in the competition.
- 5.5 Determining the winner where multiple judges
  - 5.5.1 If there is a panel of judges judging the round, the winning team is the team which was the superior team in the opinion of the majority of judges, irrespective of the result derived from the aggregate of the teams' scores.

## **6. PENALTIES**

- 6.1 The following penalties apply:
  - 6.1.1 Exceeding time limit without judge's permission: 1 mark for every minute or part thereof.
- 6.2 Judges may have the discretion to dispense with these penalties.

## **8. THE NEGOTIATION**

- 8.1 Each round consists of a 40 minute negotiation session.
- 8.2 As part of the session each team may take one break of no more than 5 minutes for the team to discuss strategy privately.
- 8.3 The 40-minute period continues to run during any such break.
- 8.4 If the team calling the break specifically requests, both teams must leave the room during the break.
- 8.5 During a break, teams may not confer with any other person.

- 8.6 At the end of the 40 minute period, each team has a 5 minute period of private reflection to analyse their performance.
- 8.7 After the private reflection, each team, in the absence of the opposing team, conducts a 5 minute self-analysis in the presence of the judges. The team should analyse its performance in the negotiation by answering the following questions:
- 8.7.1 In reflecting on the entire negotiation, if you were to be faced with a similar situation tomorrow, what would you do the same and what would you do differently?
- 8.7.2 How well did your strategy work in relation to the outcome?
- 8.8 The judge(s) will conduct a coin toss to determine which team is to go first in the self-analysis, at the end of the 5 minute private reflection period.
- 8.9 The teams should also be prepared to respond to questions from the judges concerning the team's performance. In addition, the team may use this as an opportunity to explain why it chose a particular approach or even a specific tactic. The judges may take into consideration for scoring purposes anything said during this session.
- 8.10 Responsibility rests with the student participants for timekeeping and for adherence to allotted time periods and breaks. However, if resources and volunteers are available, timekeepers or timekeeping devices may be provided, but no individual associated with a participant may act as timekeeper in a negotiation involving such participant.
- 8.11 Decisions by the judges as to elapsed time are final and non-reviewable.
- 8.12 Observation of the competition is encouraged, however potential for disruption must be minimised. Observers should not enter or leave the room during the negotiation session or the self-analysis period.
- 8.12.1 No competitor *presently* competing in the competition may observe the negotiation of another team; unless they have withdrawn from the competition or have been knocked out.
- 8.13 No observer is permitted to attempt to communicate in any way with any team members from the beginning of the participants' negotiation session to the conclusion of the last self-analysis. Any communication breaches this rule and may result in disqualifications.

## **9. JUDGING STANDARDS**

- 9.1 The judging standards recognise that there is no one "correct" approach to conducting a negotiation. Instead the strategies and techniques used will vary according to the nature of the problem, the personalities involved and other

circumstances. However, the effectiveness of a negotiation can be judged, at least in part, by its *outcome*.

- 9.2 Any marking criteria should not be read as requiring that the parties reach an agreement. In some situations, the best outcome might be no agreement at all. Thus, the judging standards (below) focus on planning and the negotiation process itself, allowing a team to achieve a high score even if no agreement was reached.
- 9.3 Each panel of judges ranks the teams whom they observe according to their effectiveness in the negotiation session. To assist the process of ranking, judges also score each team against the following standards:
  - 9.3.1 **NEGOTIATION PLANNING.** Judging from its performance and its apparent strategy, how well prepared did this team appear to be?
  - 9.3.2 **FLEXIBILITY IN DEVIATING FROM PLANS OR ADAPTING STRATEGY.** How flexible did this team appear to be in adapting its strategy to the developing negotiation, e.g., to new information or to unforeseen moves by the opposing team?
  - 9.3.3 **TEAMWORK.** How effective were the negotiators in working together as a team, in sharing responsibility, and providing mutual backup?
  - 9.3.4 **RELATIONSHIP BETWEEN THE NEGOTIATING TEAMS.** Did the way this team managed its relationship with the other team contribute to or detract from achieving its client's best interests?
  - 9.3.5 **NEGOTIATING ETHICS.** To what extent did the negotiating team observe or violate the ethical requirements of a professional relationship?
  - 9.3.6 **OUTCOME OF SESSION.** Based on what you observed in the negotiation and the self-analysis, to what extent did the outcome of the session, regardless of whether agreement was reached, serve the client's goals?
  - 9.3.7 **SELF-ANALYSIS.** Students will begin this 10-minute period by answering, in the presence of the judges, the following questions: (1) "In reflecting on the entire negotiation, if you faced a similar situation tomorrow, what would you do the same and what would you do differently?" (2) "How well did your strategy work in relation to the outcome?" Based on the team's self-analysis during the review session, how adequately has it learned from today's negotiation?

## **7. APPEALS**

- 7.1 Appeals must be addressed by the Director of Competitions in accordance with a published appeals procedure.
- 7.2 A decision of the Director of Competitions may be appealed to the LSS President.
  - 7.2.1 A decision of the LSS President will be final.
- 7.3 An appeal must be in writing, and must be the unanimous decision of the team.

## **10. FORFEITURE**

- 10.1 Any team which forfeits a round will be deemed to have lost that round. Counsel for the forfeiting team will be deemed to have a mark of zero for that round.
- 10.2 Any team whose opponent forfeits a round will be deemed to have won that round. Counsel for the winning team will be deemed to have scored in that round the average mark scored by that team in the other rounds in which it competes.

## **11. SELECTION OF SEMI-FINALISTS**

- 11.1 Selection will be determined firstly on win-loss ratio.
- 11.2 If win-loss ratio is the same, then regard may be had to whether the two teams with same ratio have competed directly with one another.
- 11.3 If win-loss ratio is the same, considering whether the two teams have competed directly, the decision shall be determined by the total points accrued by the competing teams.

Appendix One: Marking & Comment Sheet

**PLEASE BE SURE TO COMPLETE ALL CATEGORIES BEFORE HANDING IN SCORE SHEET**

Team Designation:

Room:

Judge:

Negotiation:

**Winner / Loser:** \_\_\_\_\_

**Judging Checklist**

- Before negotiation, complete all information above except Winner/Loser
- During or after negotiation, circle one score for each scoring category on the following pages
- After negotiation, complete Winner / Loser above
- After negotiation, complete Scores boxes below including Total Mark Box

**1. NEGOTIATION PLANNING.**

Judging from its performance and its apparent strategy, how well prepared did this team appear to be?

- 7      Very prepared
- 6      Prepared
- 5      Somewhat prepared
- 4      Neutral
- 3      Somewhat unprepared
- 2      Unprepared
- 1      Highly unprepared

COMMENTS:

**2. FLEXIBILITY IN DEVIATING FROM PLANS OR ADAPTING STRATEGY.**

How flexible did this team appear to be in adapting its strategy to developing the negotiation, e.g., to new information or to unforeseen moves by the opposing team?

- 7      Very flexible
- 6      Flexible

- 5 Somewhat flexible
- 4 Neutral
- 3 Somewhat inflexible
- 2 Inflexible
- 1 Highly inflexible

COMMENTS:

### **3. OUTCOME OF SESSION.**

Based on what you observed in the negotiation and the self-analysis, to what extent did the outcome of the session, regardless of whether agreement was reached, serve the client's goals?

- 7 Fully
- 6 Served
- 5 Somewhat served
- 4 Neutral
- 3 Somewhat poorly served
- 2 Poorly served
- 1 Very poorly served

COMMENTS:

### **4. TEAMWORK.**

How effective were the negotiators in working together as a team, in sharing responsibility, and providing mutual backup?

- 7 Very effective
- 6 Effective
- 5 Somewhat effective
- 4 Neutral
- 3 Somewhat ineffective
- 2 Ineffective
- 1 Highly ineffective

COMMENTS:

## **5. RELATIONSHIP BETWEEN THE NEGOTIATING TEAMS.**

Did the way this team managed its relationship with the other team contribute to or detract from achieving its client's best interests?

- 7 Contributed strongly
- 6 Contributed
- 5 Contributed somewhat
- 4 Neutral
- 3 Detracted somewhat
- 2 Detracted
- 1 Strongly detracted

COMMENTS:

## **6. NEGOTIATION ETHICS**

To what extent did the negotiating team observe or violate the ethical requirements of a professional relationship?

- 7 Observed strongly
- 6 Observed
- 5 Observed somewhat
- 4 Neutral
- 3 \* Violated somewhat
- 2 \* Violated
- 1 \* Strongly violated

\*If you circled 1, 2, or 3 was the ethical violation so severe that, in your judgment, the team should be disqualified from the competition? Circle: YES NO

COMMENTS:

## **7. SELF-ANALYSIS.**

The teams should begin this 10-minute period by answering the following questions:

7.1 "In reflecting on the entire negotiation, if you faced a similar situation tomorrow, what would you do the same and what would you do differently?"

7.2 "How well did your strategy work in relation to the outcome?"

Based on the team's self-analysis during the review session, how adequately has it learned from today's negotiation?

- 7 Very adequately
- 6 Adequately
- 5 Somewhat adequately
- 4 Neutral
- 3 Somewhat inadequately
- 2 Inadequately
- 1 Very inadequately

**DO YOU HAVE ANY OTHER COMMENTS REGARDING THIS TEAM:**

### **Note to Judges**

Please use the following as a guide for final scores:

Very Good	46 – 49
Good	42 – 45
Above Average	38 – 41
Average	34 – 37
Below Average	30 – 33
Poor	26 – 29
Very Poor	22 – 25

When deciding on the scores, please take the following into account:

- Outcome;
- Identification of issues;
- Display of tactics;
- Speaking ability;
- Answering questions from the other team;
- Ability to rebut opposition arguments;
- Following of time limits;
- Ability to come to a suitable outcome; and
- Any other factors that you consider relevant.