

# 2020 CANADIAN NATIONAL NEGOTIATION COMPETITION

Rules (Version 4.1)

# Rules of the Canadian National Negotiation Competition

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## **RULE 1. INTRODUCTION**

The Canadian National Negotiation Competition (“CNNC,” “National Competition” or “competition”) promotes interest among law students in legal negotiation, provides a means for them to demonstrate and improve their negotiating skills, and gives them a chance at competing in the International Negotiation Competition (“INC” or “International Competition”). The CNNC rotates among Canadian law schools and is run by an organizing committee comprising representatives from the school hosting the competition that year (the “Host School”) and previous schools that have hosted it. A competition administrator, typically appointed by the Host School, also deals with logistical matters relating to the competition. The competition usually takes place in February or March on a Friday and Saturday, culminating in a banquet for all teams and coaches on Saturday night.

The CNNC, like the INC, simulates legal negotiations in which law students, acting as lawyers, negotiate a series of legal problems. The problems consist of a common set of facts known by all participants and confidential information known only to the participants representing a particular side. The negotiation scenario varies with each round of the competition. The CNNC has three rounds. The first two are two-party rounds; the third is a multi-party round. Law students, typically working in teams of two, compete in each round.

## **RULE 2. STUDENT ELIGIBILITY**

Participation is limited to students currently pursuing course work towards a JD, BCL or LLB degree at an accredited law school in Canada at the time of the National Competition.

## **RULE 3. TEAMS**

A team is two law students attending the same accredited law school in Canada.

### **A. Two Teams Per Law School**

Each accredited Canadian law school may send up to two teams. If additional spots are available, exceptions may be granted to requesting schools for an additional team.

### **B. Alternates and Substitutions**

Schools should consider registering at least one alternate, and alternates must meet the eligibility requirements listed under Rule 2. Only a law student who has been registered as an alternate may be substituted for a regular team member at any time before the start of the competition. Team members may not be substituted once the

competition begins, except for any reason that the organizing committee deems an unavoidable circumstance.

During the first two rounds, alternates may only observe the team for which they are eligible to substitute.

### **C. Team Cancellation**

A team withdrawing from the competition must give notice to the organizing committee as soon as possible.

Because of illness or other emergency, a team may have to cancel its participation prior to or on the day of the competition. The organizing committee will try to identify an additional team to replace the cancelling team. If a replacement team cannot be identified and if the team withdrawing from the competition is from a school having one or more teams remaining in the competition, the school must split one team to compete in place of the withdrawing team. This means that the school may be required to have one-person teams competing. If the withdrawing team is the only team from a competing school, the organizing committee will seek another registered team to split and to compete as two single-person teams during the preliminary rounds of the competition. Alternatively, the organizing committee may constitute a shadow team that can compete in all rounds of the competition but whose scores are not counted for ranking purposes. A shadow team cannot place in the competition, nor can it be eligible for prizes or awards or for proceeding to the INC.

After the negotiation problems have been distributed, only those teams representing the side of the team that cancelled will be eligible for participation as one-person teams. If more than one team volunteers, the team will be chosen by lot. If no team volunteers, the team will be chosen by lot from all teams representing the side of the team that failed to appear if no shadow team has been identified.

## **RULE 4. TEAM IDENTIFICATION**

The organizing committee randomly assigns each team a letter designation (e.g., A, B, C, D). This is the primary method of identifying the teams to all competition judges during the competition. However, the names and school affiliations of the competitors will not be concealed. Judges are expected to judge the teams without regard to their school affiliations, and will be trusted to do this.

## **RULE 5. COMPETITION PROBLEM**

### **A. Timing for Releasing Competition Problems to Teams**

Approximately one month before the National Competition, each participating school receives negotiation problems for all three rounds, comprising:

- a common set of facts known by all competitors, called *General Information for All Parties*; and
- information known only to competitors representing a side, called *Confidential Information*.

Legal background material or citations may also be provided to competitors. In some instances, additional research may be appropriate.

Judges receive all problem materials provided to competitors, as well as a synopsis of the problem, called *Judges' Summary*. No one having access to Confidential Information for both sides may act as a coach or competitor, or share such information with coaches or competitors. Where a law school has two teams competing, each team receives the Confidential Information for the same side. Competitors also receive General Information for All Parties for the final round.

### **B. Facts and Controlling Law for the Problems**

Although the problems may refer to actual places, for competition purposes, there are no mandatory legal authorities. Any exceptions are explicitly stated in the problem. The persons and events depicted in the problems are fictional and are prepared solely for the educational exercise being conducted in the competition. Any resemblance to actual persons, living or deceased, is unintentional and purely coincidental.

## **RULE 6. NEGOTIATION FORMAT**

### **A. General Negotiation Format**

The National Competition comprises three rounds. The first two consist of 80 minutes of active competition, followed by 20 minutes for judges to rank the teams and give them feedback. The general negotiation format for the first two rounds is as follows:

- a 10-minute pre-negotiation self-analysis period (5 minutes per team) in the judges' presence;
- a 50-minute negotiation session that may include one 5-minute break per team;
- a 10-minute period for teams to analyze their performance in private;

- a 10-minute post-negotiation self-analysis period (5 minutes per team) in the judges' presence;
- a 10-minute period when judges rank the teams; and
- a 10-minute period when judges give feedback to both teams at the same time.

Each team negotiates once in Round 1, once in Round 2, and once in Round 3. The third round is a multi-party negotiation with up to four teams. The format is consistent with the preliminary rounds, except that the negotiation session itself lasts 70 minutes and the total self-analysis period is lengthened to allow each team 10 minutes (5 minutes of pre-negotiation analysis and 5 minutes of post-negotiation analysis).

### *1. Breaks During Rounds*

Each team may take one break of no more than 5 minutes. The negotiating period continues during any such break. All teams must leave the room during the break.

### *2. Observers' Attendance During Round*

Because of the potential for disruption of the competition, coaches and others electing to observe the negotiations are discouraged from leaving the room from the beginning of each negotiation session to the end of the last self-analysis period. Coaches and other observers who unavoidably must enter the room late, leave early, or temporarily excuse themselves should do so discreetly and without disruption. Such persons must avoid all communication regarding the competition until the end of the completed round, which includes the 80 minutes of active competition in the first two rounds and 120 minutes of active competition in the third round, any breaks taken during the round, and the time for the judges' feedback. See Rule 15(A).

After the completion of both post-negotiation self-analyses, all competitors and observers must leave the competition room until the judges have completed their score sheets and are ready to provide feedback to the teams, at which time competitors and observers may return to the room. During this time, coaches and observers must not communicate with competitors.

### *3. Permissible Team Supplies During Rounds*

During a negotiation round, competitors may use the following:

- blank flip charts or black/white boards to write on during the round (to be supplied by competition organizers);
- handwritten or typed notes for their own reference; and
- calculators (to be supplied by the competitors).

No technological devices may be used, including laptop computers, tablets, mobile phones, smart phones, personal digital assistants, and similar electronic communication devices, except for timekeeping or calculation purposes. Further, any technological device used for such purposes must be kept in “airplane mode”—that is, incapable of transmitting or receiving information to another device.

*No prepared materials may be presented or handed out during the negotiation session or self-analysis, except as specifically authorized by the problem. Self-analysis may only reference materials created or used during the negotiation session.*

#### 4. Timekeeping

Competitors are responsible for keeping to stipulated time periods for negotiating sessions and breaks. However, one of the judges on each panel must keep track of the time.

Under no circumstance may a negotiation session in the first two rounds last longer than 50 minutes, excluding the self-analysis periods and judges’ feedback. Each of the first two negotiation rounds lasts 1 hour and 40 minutes. The timekeeper judge must stop the negotiation 50 minutes after the student competitors greet each other, regardless of where students are in the negotiation process. Under no circumstance may a negotiation session in the final (multi-party) round last longer than 70 minutes, excluding the self-analysis periods and judges’ feedback. This negotiation round lasts 2 hours and 20 minutes in total.

If volunteers are available, timekeepers may be provided, but no individual identified with a competitor may act as timekeeper in a negotiation involving such competitor. The only exception is if the Host School provides timekeepers for all rooms including those in which its teams compete. Decisions by the judges as to elapsed time and as to when the negotiation should end are final and non-reviewable.

Responsibility for timekeeping during the self-analysis periods rests jointly with the competitors and the timekeeping judge, each having the responsibility to terminate each period at the end of 5 minutes.

### **B. Self-analysis**

#### 1. *Self-analysis Process*

Before the negotiation, each team has 5 minutes in which to analyze, in the presence of the judges, how it plans to approach the negotiation. This takes place outside the presence of the opposing team. However, coaches and any other permissible observers for



each team may remain in the room for both pre-negotiation analyses. The team with the letter designation closest to the beginning of the alphabet presents first.

Following the 10-minute preparation for self-analysis, each team has 5 minutes in which to analyze the team's performance in the negotiation. This must take place before the judges but outside the presence of the opposing team. However, coaches and any other permissible observers for each team may remain in the room for each self-analysis. The team with the letter designation closest to the beginning of the alphabet presents its self-analysis first.

## *2. Self-analysis Content*

During the 5-minute pre-negotiation analysis, teams should directly address the judges and explain the following two items (without being prompted by the judges):

- 1. What are your client's main interests and goals for the negotiation?*
- 2. What is your overall negotiation strategy and why?*

Judges are not to ask questions or make comments during the pre-negotiation analysis. For scoring purposes, judges may consider anything said during this self-analysis.

During the 5-minute post-negotiation analysis, competitors should directly address the judges and answer 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?*

Judges are not expected to prompt answers to these questions. Competitors should also be prepared to answer questions from the judges concerning their performance in the negotiation session. For scoring purposes, the judges may consider anything said during this self-analysis.

## **RULE 7. SCORING AND JUDGING STANDARDS**

Teams are evaluated and scored based on the quality of their presentations and not on the merits of the side they represent.

## A. General Scoring and Advancing at the National Competition

In the first two rounds, judges rank the two teams who competed against each other in order of effectiveness in the negotiating session, with a score of 1.00 being assigned to the most effective team and a score of 2.00 to the next most effective team.

## B. Scoring Process for the Final Round

In the final round, judges rank the four teams who competed against each other in order of effectiveness in the negotiating session, with a score of 1.00 to the most effective team, a score of 1.33 to the next most effective team, a score of 1.67 to the next most effective team, and a score of 2.00 to the next most effective team.<sup>1</sup> The team rankings are made available at the banquet, where the top three teams and their rankings are also announced. The results are based on the aggregate rankings from all three rounds.

## C. Tie-breaking procedures

In the case of a tie, the following steps are taken:

1. If only two teams are tied, and those two teams met in a round, the team that received a better ranking in that round is deemed to have won the tie;
2. If the two tied teams did not meet in a round, or the tie is not broken with the above procedure, or more than two teams are tied, the numerical scores on each team's Scoring Sheets are added up. The team with the best cumulative total score is deemed to have won the tie, and the rest are also ranked according to their cumulative total scores on the basis of the Scoring Sheets. If a tie still remains after this procedure, the competition results will state that tie.

## D. Timing of Ranking Sheets, Scoring Sheets, and Comment Sheets Pick Up

The judges' Ranking Sheets and Scoring Sheets are collected (or sealed in an envelope for collection) before the judges provide comments to the teams. The judges may retain their Comment Sheets for use when giving feedback to the teams. The judges' Comment Sheets are collected after feedback has been provided to the teams and are distributed to the teams later.

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<sup>1</sup> The purpose of this scoring mechanism is to ensure that the final round, which has four teams, has the same weight in the final calculation of results as each of the first two rounds, which have two teams. The average score for a session in the first two rounds is  $(1.00 + 2.00)/2 = 1.50$ . The average score for a session in the third round is  $(1.00 + 1.33 + 1.67 + 2.00)/4 = 1.50$ .

### **E. Distribution of Judges' Scoring Sheets and Comment Sheets**

The competition administrator distributes the original judges' Comment Sheets and copies of the judges' Scoring Sheets to the competitors at the conclusion of the preliminary rounds. The judges' Ranking Sheets are not distributed to competitors.

## **RULE 8. COMPETITION JUDGES**

### **A. Number of Judges**

The organizing committee supplies a panel of judges to observe and evaluate each round. The target number of judges for each panel is three lawyers or legal professionals who are experienced and knowledgeable in negotiation skills. The actual number of judges for any given panel may vary from the target.

### **B. Judge Eligibility**

No member of the faculty (full, part-time, adjunct, or sessional), administration, or staff of the Host School may act as a judge for a team from that person's law school.

### **C. Role of Judges**

Judges evaluate the competitors' performance according to the standards and criteria provided. Judges must not interact with the teams during the negotiations; however, they may ask teams questions about the negotiation during that team's post-negotiation self-analysis. Additionally, although judges might learn teams' school affiliations over the course of the competition, they are to evaluate the competitors' performances without regard to such affiliation.

## **RULE 9. FEEDBACK**

After completing the Scoring Sheets for each negotiation session, the judges meet with all teams in the same room and at the same time. Judges have a total of 10 minutes to provide feedback to guide the competitors in furthering their negotiating skills.

## **RULE 10. MEMBERS OF THE APPEAL PANEL**

The organizing committee appoints an Appeal Panel comprising at least three coaches from law schools other than the Host School. No member of the Appeal Panel may be associated with a complaining school or the alleged offending school, unless all coaches are disqualified by applying that rule. In such a case, the Appeal Panel comprises not more than three competition judges who are present and willing to participate.

## **RULE 11. RESOLVING COMPLAINTS, VIOLATIONS, AND DISPUTES**

### **A. Process for Filing a Complaint at the Competition**

Any violation that may affect the results should be resolved on the day of the competition by the Appeal Panel appointed by the organizing committee. Competitors and coaches waive the right to appeal any matter arising in the course of a competition round by failing to file a timely objection with the competition administrator.

Complaints must be filed as soon as practicable after the completion of the round that is the subject of the complaint. Every effort should be made to file a complaint while the judges are still available for consultation by the competition administrator and the Appeal Panel.

### **B. Timing of Appeal Panel Convening**

The Appeal Panel should not be informed of the rankings or point totals before its decision. The Appeal Panel must convene in private to prevent any potential public embarrassment of a team. The Appeal Panel, in its discretion, may discuss the matter with interested parties.

### **C. Scope of Violations Appeal Panel May Consider**

In general, the Appeal Panel does not hear any appeal relating to an alleged violation that is within the discretion of the judges.

*Rules violations other than those within the judges' discretion.* For complaints not related to an alleged ethics violation identified by the judges (including ethical violations discovered later, but not identified by judges), the Appeal Panel has full discretion to determine appropriate sanctions. In assessing the severity of the penalty, the Appeal Panel should consider whether the conduct complained of was purposeful or inadvertent and whether it resulted in substantial prejudice affecting the result. Possible dispositions for valid complaints range from reprimands to assessment of penalty points to disqualification. Disqualification is mandatory for violation of Rules 15A and 15B.

*Potential ethical violations.* If a judge observes a potential ethical violation, the judge must briefly explain the unethical conduct on the judge's Scoring Sheet and the organizing committee must be notified. The organizing committee will decide whether any sanction can be imposed on a team.

#### **D. Team Disqualification**

If the Appeal Panel disqualifies a team, all teams below the disqualified team move up one place in the standings. If the Appeal Panel assesses a team with (negative) penalty points, the penalty points are added to the affected team's overall score.

#### **E. Appeal Panel Decision Appeal and Review**

The decision of the Appeal Panel is final and will not be reviewed.

### **RULE 12. INTERNATIONAL COMPETITION**

The highest-ranking team from the CNNC is eligible to compete in the International Negotiation Competition. Occasionally, the INC makes the decision to allow a second CNNC team to compete. This decision is typically made only a short time before the INC, based on the number of other countries who confirm ability to send a team. In the event Canada is permitted to send a second team, the next-highest-ranking team from the CNNC will be permitted to compete as the second team from Canada.

### **RULE 13. COACHES**

Each team should have a coach. A coach may be a full- or part-time faculty member or a lawyer or other professional approved by a law school to coach the students. A team may have more than one coach and one person may coach two teams from the same school. One individual may coach teams from different schools, as long as those teams are not playing different roles—that is, as long as the teams are not on different sides of the problem.

If possible, a coach should accompany the team to the National Competition, and more than one coach may attend.

Coaches of competing teams are prohibited from judging or assisting in the administration of the competition in which their teams are competing. They are also prohibited from attending the competition judges' briefing.

### **RULE 14. ASSISTANCE**

Prior to the competition, a team may receive advice and suggestions from any source, including lawyers, faculty members, and team coaches. During the competition, coaches may advise, communicate with, and observe their teams only as provided in these rules.

## **RULE 15. PROHIBITED COMMUNICATION AND ATTENDANCE**

### **A. Communication**

#### *1. Prohibited Communication during a Round*

**Communications with competitors.** No one, including team coaches and other persons associated with a competitor, may give advice or instructions to, or attempt to communicate in any other way, including using any form of technology, with any of the competitors during the period from commencement of the negotiation session through the completion of the judges' feedback to the competitors.

**Communications with judges.** Team coaches, competitors, and other persons identified with a team may not speak to a judge from commencement of the negotiation session to the completion of the judges' feedback to the competitors. Competitors may respond to questions about the negotiation posed by the judges during the post-negotiation self-analysis, but competitors may not ask questions of the judges during the round until the feedback period, and then only if the judges grant permission.

#### *2. Consequences of Engaging in Prohibited Communication*

The mere act of communication or receipt of information proscribed by this rule will constitute a violation, regardless of its substance and regardless of whether initiated by a competitor or by any other person affiliated with a competitor. Violation of this rule may result in disqualification, subject to review by the Appeal Panel (See Rule 11 for procedures).

### **B. Attendance**

#### *1. Attending Rounds*

Competitors may attend only their scheduled negotiation sessions. No person associated with a competitor, such as coaches, family members, or close friends, may attend a negotiation session other than a session in which that school's teams are involved, except for the final round. Mere membership in a student body does not constitute association with a competitor. If a school has multiple teams participating in the competition, persons identified with those teams (other than the competitors themselves), such as coaches, family members, or others, may attend any of the negotiation sessions in which that school's teams are involved. At all times, it is the competitor's responsibility to comply with Rule 15A and to refuse any attempts at prohibited communication. Attendance proscribed by this rule constitutes a violation that may result in disqualification. Please see Rule 11 for procedures.

## 2. *Scouting Prohibited*

Scouting is the observation and sharing of information with a competitor about another team in the competition, during the competition, whether intentional or inadvertent. Scouting in any form is strictly prohibited. The responsibility rests on the team to refuse any attempted prohibited communication.

## **RULE 16. PROFESSIONAL CONDUCT**

In general, the Federation of Law Societies of Canada *Model Code of Professional Conduct* governs the conduct of all participants, including students, team coaches, administrators, and observers. Thus, everyone who participates in or observes a negotiation competition is expected to uphold and be held to the highest level of professionalism during the competition and at all competition-related events.

## APPENDIX A: JUDGING STANDARDS

### How does the scoring system work?

You complete three sheets: a Ranking Sheet, a Scoring Sheet and a Comment Sheet.

The Ranking Sheet is used to record your ranking of the teams and students that you observed. When each negotiation session has ended, you insert each team's rank (1 or 2 in the first or second round; 1.00, 1.33, 1.67 or 2.00 in the third round). A team's aggregate result from these Ranking Sheets will generally determine the team's standing in the competition. If you observed an ethical violation during a negotiation and you explained the unethical conduct on the Scoring Sheet (see below), you may take the violation into account when ranking the teams you observed. Regarding both the Ranking Sheet and the Scoring Sheet, *we are interested in your independent judgment*. Therefore, judges should *not* discuss their assessment of teams with each other until the Scoring Sheets and Ranking Sheets have been completed and collected. Judges may, however, generally discuss the negotiation they observe.

The Scoring Sheet is used to break ties. You score each team on each aspect listed on a 1–7 scale. The number 7 is at the low or poor performance end of the scale; the number 1 is at the high end of the scale. The number 4 rating, neutral, should be used if the performance was a mix of positive and negative qualities. Indicate your rating by circling the appropriate number. *Remember: the lower the number, the better the score.*

The Comment Sheet is used to provide written feedback to the competitors. Please take the time to provide constructive guidance to the students; after the competition is over, they are keen to read your feedback and learn from it.

### On what approaches to negotiation are the judging standards premised?

The standards are based on the premise that there is not one "correct" approach to effective negotiation in all circumstances. Instead, the strategies and techniques used vary with the nature of the problem, the mix of personalities involved, and other circumstances. Whatever approach the competitors use, however, negotiation effectiveness can be judged at least in part by the outcome of the session, regardless of whether an agreement was reached. A good negotiation outcome, from the perspective of a specific team being judged, is one that:

- is better than the best alternative to a negotiated agreement;
- satisfies the interests of:
  - the client – very well
  - the other side – acceptably (enough for them to agree and follow through)
  - third parties – tolerably (so they won't disrupt the agreement);



- adopts a solution that is the best of all available options
- is legitimate – no one feels “taken”;
- involves commitments that are clear, realistic and operational;
- involves communication that is efficient and well understood, and
- results in an enhanced working relationship or an agreement to negotiate further

### **How do the teams receive feedback?**

Your Comment Sheets should prove useful in the oral critique you deliver to the teams at the end of each negotiation session, but should not be distributed to the competitors. Instead, hand them in to the committee organizers after the rounds. While you can fill out the first scales during the 10-minute period when the teams are preparing their self-analyses, reflection scales should be filled out only after you have seen this final aspect of the negotiating session. Negotiating Ethics scales should also be filled out after you have seen the team’s complete performance, including the Self-Analysis.

## Ranking Sheet (Two-Party Rounds)

Judge's Name: \_\_\_\_\_ Room #: \_\_\_\_\_

Names of the team members for Side A:  Team #: _____	Names of the team members for Side B:  Team #: _____
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Based on my personal opinion, having observed the negotiation between teams \_\_\_\_\_ & \_\_\_\_\_, I rank the teams I observed as follows:

1.00 = Most effective team: \_\_\_\_\_

2.00 = Next most effective team: \_\_\_\_\_

### Suggested Criteria:

- Remember to consider each team's ethical conduct in assigning rankings. Examples of unethical conduct include the following: (1) misrepresenting material facts, (2) exceeding settlement authority, or (3) inventing self-serving material facts.
- Remember that parties need not reach an agreement, and that in some situations, the best outcome might be no agreement at all. Judges should focus on each team's planning and the negotiation process itself, rather than on whether the teams reach an agreement.

A good negotiation outcome, from the perspective of a specific team being judged, is often one that:

- Is better than the best alternative to a negotiated agreement;
- Satisfies the interests of
  - the client – very well
  - the other side – acceptably (enough for them to agree and follow through)
  - third parties – at least tolerably (so they won't disrupt the agreement);
- Adopts a solution that is the best of all available options;
- Is legitimate – no one feels "taken";
- Involves commitments that are clear, realistic, and operational;
- Involves communication that is efficient and well understood; and
- Results in an enhanced working relationship, so the parties and/or their lawyer can deal with future differences more easily

*A member of the organizing committee will collect the Ranking, Scoring and Comment Sheets following the rounds.*

## Scoring Sheet (Two-Party Rounds)

Judge's Name: \_\_\_\_\_

Team Number: \_\_\_\_\_ Team Number: \_\_\_\_\_

**Please complete scales a-k while the teams are preparing for the self-analysis and scales l–o after the self-analysis.**

a) How skillful was the team in obtaining and using relevant information from the other team?

1 2 3 4 5 6 7

1 2 3 4 5 6 7

b) How skillful was the team in providing information to the other team? How skillful was the team in protecting confidential or negative information?

1 2 3 4 5 6 7

1 2 3 4 5 6 7

c) How effective was the team in using the time available for negotiation in light of the client's interests and goals?

1 2 3 4 5 6 7

1 2 3 4 5 6 7

d) How adaptable was the team in adapting its strategy, for example to new information or unforeseen moves by the other team?

1 2 3 4 5 6 7

1 2 3 4 5 6 7

e) How well prepared was this team, judging from its performance and apparent strategy?

1 2 3 4 5 6 7

1 2 3 4 5 6 7

Team Number: \_\_\_\_\_ Team Number: \_\_\_\_\_

f) To what extent was this team perceptive and skillful at reading the other negotiating team's cues?

1 2 3 4 5 6 7

1 2 3 4 5 6 7

g) To what extent did this team appear to be reasonable and realistic?

1 2 3 4 5 6 7

1 2 3 4 5 6 7

h) To what extent did this team appear to be persuasive and convincing?

1 2 3 4 5 6 7

1 2 3 4 5 6 7

i) Did the way the team managed its relationship with the other team contribute to achieving its client's interests and maintain an appropriate level of courtesy and professionalism?

1 2 3 4 5 6 7

1 2 3 4 5 6 7

j) How effective was the team in working together, backing each other up, and sharing responsibility?

1 2 3 4 5 6 7

1 2 3 4 5 6 7

k) To what extent did the outcome of the session, regardless of whether agreement was reached, serve the client's goals?

1 2 3 4 5 6 7

1 2 3 4 5 6 7

Team Number: \_\_\_\_\_

Team Number: \_\_\_\_\_

**REFLECTION**

l) How effective was the team in planning, anticipating challenges and assessing its own strategy?

1 2 3 4 5 6 7

1 2 3 4 5 6 7

m) How accurate was the team in identifying the effectiveness of its strategy and performance?

1 2 3 4 5 6 7

1 2 3 4 5 6 7

n) How adequately did the team learn from today's negotiation?

1 2 3 4 5 6 7

1 2 3 4 5 6 7

**NEGOTIATING ETHICS**

o) Based on your observation, do you believe the negotiating teams observed or violated the ethical standards of the legal profession? For example, (1) did a team misrepresent material facts? (2) did a team exceed its settlement authority? or (3) did a team invent self-serving material facts?

Please circle one:

TEAM OBSERVED ETHICAL STANDARDS or TEAM VIOLATED ETHICAL STANDARDS  
(Team # \_\_\_\_\_)

TEAM OBSERVED ETHICAL STANDARDS or TEAM VIOLATED ETHICAL STANDARDS  
(Team # \_\_\_\_\_)

If you think a team potentially violated an ethical standard, please briefly explain the team's conduct:

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*Please be sure to complete ALL categories before turning in this form.*

### Comment Sheet (Two-Party Rounds)

Judge's Name: \_\_\_\_\_ Room: \_\_\_\_\_

Team Number: \_\_\_\_\_

Negotiation judged: Round # \_\_\_\_\_

Please use the space below for comments:

I. STRENGTHS:

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II. AREAS FOR IMPROVEMENT:

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## Ranking Sheet (Multi-Party Round)

Judge's Name: \_\_\_\_\_ Room #: \_\_\_\_\_

<p><b>Names of the team members for Side A:</b></p> <p>Team #: _____</p>	<p><b>Names of the team members for Side B:</b></p> <p>Team #: _____</p>
<p><b>Names of the team members for Side C:</b></p> <p>Team #: _____</p>	<p><b>Names of the team members for Side D:</b></p> <p>Team #: _____</p>

Based on my personal opinion, having observed the negotiation among teams \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ & \_\_\_\_\_, I rank the teams I observed as follows:

1.00 = Most effective team: \_\_\_\_\_

1.33 = Next most effective team: \_\_\_\_\_

1.67 = Third most effective team: \_\_\_\_\_

2.00 = Fourth most effective team: \_\_\_\_\_

### Suggested Criteria:

- Remember to consider each team's ethical conduct in assigning rankings. Examples include the following: (1) misrepresenting material facts, (2) exceeding settlement authority, or (3) inventing self-serving material facts.
- Remember that parties need not reach an agreement, and that in some situations, the best outcome might be no agreement at all. Judges should focus on each team's planning and the negotiation process itself, rather than on whether the teams reach an agreement.

A good negotiation outcome, from the perspective of a specific team being judged, is often one that:

- Is better than the best alternative to a negotiated agreement;
- Satisfies the interests of
  - the client – very well
  - the other sides – acceptably (enough for them to agree and follow through)
  - third parties – at least tolerably (so they won't disrupt the agreement);
- Adopts a solution that is the best of all available options;
- Is legitimate – no one feels "taken";
- Involves commitments that are clear, realistic, and operational;
- Involves communication that is efficient and well understood; and
- Results in an enhanced working relationship, so the parties and/or their lawyer can deal with future differences more easily

*A member of the organizing committee will collect the Ranking, Scoring and Comment Sheets following the round.*

## Scoring Sheet (Multi-Party Round)

Judge's Name: \_\_\_\_\_

Team Number:

Team Number:

Team Number:

Team Number:

**Please complete scales a-k while the teams are preparing for the self-analysis and scales l-o after the self-analysis.**

a) How skillful was the team in obtaining and using relevant information from the other teams?

1 2 3 4 5 6 7 1 2 3 4 5 6 7 1 2 3 4 5 6 7 1 2 3 4 5 6 7

b) How skillful was the team in providing information to the other teams? How skillful was the team in protecting confidential or negative information?

1 2 3 4 5 6 7 1 2 3 4 5 6 7 1 2 3 4 5 6 7 1 2 3 4 5 6 7

c) How effective was the team in using the time available for negotiation in light of the client's interests and goals?

1 2 3 4 5 6 7 1 2 3 4 5 6 7 1 2 3 4 5 6 7 1 2 3 4 5 6 7

d) How adaptable was the team in adapting its strategy, for example to new information or unforeseen moves by the other teams?

1 2 3 4 5 6 7 1 2 3 4 5 6 7 1 2 3 4 5 6 7 1 2 3 4 5 6 7

e) How well prepared was this team, judging from its performance and its apparent strategy?

1 2 3 4 5 6 7 1 2 3 4 5 6 7 1 2 3 4 5 6 7 1 2 3 4 5 6 7

Team Number:

Team Number:

Team Number:

Team Number:

f) To what extent was this team perceptive and skillful at reading the other negotiating teams' cues?

1 2 3 4 5 6 7    1 2 3 4 5 6 7    1 2 3 4 5 6 7    1 2 3 4 5 6 7

g) To what extent did this team appear to be reasonable and realistic?

1 2 3 4 5 6 7    1 2 3 4 5 6 7    1 2 3 4 5 6 7    1 2 3 4 5 6 7

h) To what extent did this team appear to be persuasive and convincing?

1 2 3 4 5 6 7    1 2 3 4 5 6 7    1 2 3 4 5 6 7    1 2 3 4 5 6 7

i) Did the way the team managed its relationship with the other teams contribute to achieving its client's interests and maintain an appropriate level of courtesy and professionalism?

1 2 3 4 5 6 7    1 2 3 4 5 6 7    1 2 3 4 5 6 7    1 2 3 4 5 6 7

j) How effective was the team in working together, backing each other up, and sharing responsibility?

1 2 3 4 5 6 7    1 2 3 4 5 6 7    1 2 3 4 5 6 7    1 2 3 4 5 6 7

k) To what extent did the outcome of the session, regardless of whether agreement was reached, serve the client's goals?

1 2 3 4 5 6 7    1 2 3 4 5 6 7    1 2 3 4 5 6 7    1 2 3 4 5 6 7

Team Number:

Team Number:

Team Number:

Team Number:

**REFLECTION**

l) How effective was the team in planning, anticipating challenges and assessing its own strategy?

1 2 3 4 5 6 7    1 2 3 4 5 6 7    1 2 3 4 5 6 7    1 2 3 4 5 6 7

m) How accurate was the team in identifying the effectiveness of its strategy and performance?

1 2 3 4 5 6 7    1 2 3 4 5 6 7    1 2 3 4 5 6 7    1 2 3 4 5 6 7

n) How adequately did the team learn from today's negotiation?

1 2 3 4 5 6 7    1 2 3 4 5 6 7    1 2 3 4 5 6 7    1 2 3 4 5 6 7

**NEGOTIATING ETHICS**

o) Based on your observation, do you believe the negotiating teams observed or violated the ethical standards of the legal profession? For example, (1) did a team misrepresent material facts? (2) did a team exceed its settlement authority? or (3) did a team invent self-serving material facts?

Please circle one:

TEAM OBSERVED ETHICAL STANDARDS or TEAM VIOLATED ETHICAL STANDARDS  
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(Team # \_\_\_\_\_)

TEAM OBSERVED ETHICAL STANDARDS or TEAM VIOLATED ETHICAL STANDARDS  
(Team # \_\_\_\_\_)

If you think a team potentially violated an ethical standard, please briefly explain the team's conduct:

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*Please be sure to complete ALL categories before turning in this form.*

### Comment Sheet (Multi-Party Round)

Judge's Name: \_\_\_\_\_ Room: \_\_\_\_\_

Team Number: \_\_\_\_\_

Please use the space below for comments:

I. STRENGTHS:

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II. AREAS FOR IMPROVEMENT:

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