



UNIVERSITY *of* WASHINGTON

SCHOOL OF LAW

Moot Court Honor Board

**UW MOOT COURT HONOR BOARD 2018
CONTRACT NEGOTIATION COMPETITION**

COMPETITION RULES

Table of Contents

I. GENERAL RULES 2

B. Competitor Training Session..... 2

C. Update Notices 2

D. Reserved Resources..... 2

E. Important Dates..... 3

F. Eligibility 3

G. Academic Credit..... 3

II. HONOR CODE, COMPETITOR COMPLAINT & WITHDRAWAL 3

A. Honor Code..... 3

B. Competitor Complaints..... 4

C. Discipline..... 4

D. Competitor Withdrawal 4

III. COMPETITION FORMAT, PROBLEMS, AND SCHEDULE 4

A. The Contract Negotiation Problems..... 4

B. Oral Negotiation Format 5

C. Competition Scoring 6

D. Awards and Honors 8

IV. OTHER CONSIDERATIONS 9

A. Order of the Barristers 9

B. Moot Court Honor Board Invitation 9

I. GENERAL RULES

A. Competition Committee

The Moot Court Honor Board (MCHB) selects a Competition Committee to run each competition. The members of the 2018 Contract Negotiation Competition Committee are:

Ryan Palardy, Competition Co-Chair
Charles King, Competition Co-Chair

Vanessa James, Committee Member
Christina Jaccard, Committee Member
Marten King, Committee Member
Evan Boeshans, Committee Member
Tyler Grandgeorge, Committee Member

Please email all questions to the Committee at: uwcontracts@gmail.com.

B. Competitor Training Session

The Competition's training session will take place during lunch **Monday, February 5, 2018** in Room 138. The training session will cover basic negotiation skills. The training session aims to provide concrete skills that will be directly applicable in competition.

C. Update Notices

The Competition Committee will email all competitors any notices regarding the Competition. Participants are responsible for making sure the Committee has a valid email address for your team. Additionally, updates will be posted to the competition's website:

www.uwmchb.com/contract-negotiation

D. Reserved Resources

Copies of *Getting to Yes* by Fisher and Ury are on reserve in the Law Library.

E. Important Dates

Registration begins:	January 31, 2018
Information session:	January 31, 2018
Registration ends:	February 5, 2018 (by 5:00 PM)
Dropout deadline:	February 7, 2018 (by 5:00 PM)
Pairings announced:	February 9, 2018
Preliminary Round 1:	February 12, 2018
Preliminary Round 2:	February 13, 2018
Quarterfinal Round:	February 14, 2018
Semifinal Round:	February 15, 2018
Term Sheets Due:	February 17, 2018
Final Round:	February 20, 2018
Awards reception:	February 20, 2018 (8:00 PM in room TBD)

F. Eligibility

All students currently enrolled in the University of Washington School of Law, including L.L.M. students, are eligible to compete in the Contract Negotiation Competition.

G. Academic Credit

2L and 3L competitors are eligible for 1 academic credit for their participation in the Competition and submission of the written components.

II. HONOR CODE, COMPETITOR COMPLAINT & WITHDRAWAL

A. Honor Code

Each competitor shall abide by the University of Washington School of Law Honor Code during preparation of the written component and during participation in the oral negotiation rounds.

Once registered, and through the final night of the competition, competitors may not seek or receive assistance from any person other than their partner, except the assistance normally provided to attorneys by reference librarians and court personnel. Questions regarding this rule should be directed to the Competition Chairs, who can be reached via email at uwcontracts@gmail.com.

B. Competitor Complaints

The procedures for making a formal or informal complaint are laid out in Section 34 and 35 of the MCHB Bylaws. All complaints—whether regarding the competition, competitors, or judges—should be directed to the Competition Chairs, and should be made as promptly as possible. Please see Section 34 of the MCHB Bylaws for additional information and requirements for filing a complaint. The MCHB Bylaws can be found at:

www.uwmchb.com/bylaws.html

C. Discipline

If a competitor is found to have violated the rules of this competition, the Executive Board of the MCHB may impose any penalty, including deduction of points, loss of a round, or disqualification. Violators may also be denied awards, entry in future competitions, or membership on MCHB.

D. Competitor Withdrawal

Any participant who drops out of the competition without good cause after **5:00 PM on February 7, 2018**, will be barred from competing in any MCHB competition for one full year from the date the participant drops out. Please see Rule 308 of the MCHB Bylaws for additional information. Any changes in competitors (withdrawals, substitution of team members, etc.) must be reported to the MCHB Competition Co-Chairs.

III. COMPETITION FORMAT, PROBLEMS, AND SCHEDULE

A. The Contract Negotiation Problems

1. The Problems: Competitors will negotiate a different problem each night. Each round of negotiation will last one hour. As a competitor, you are to immerse yourself in the details provided by MCHB and only those details. Each team will play the role of outside counsel for a client. The teams should zealously represent the interests of their assigned clients during the negotiation.

Each problem will consist of: (1) general information for all participants and (2) *confidential* information for each party and their counsel. Do not share the confidential information with anyone except for your partner.

2. Extra Research on Substance: Competitors may, and are encouraged, to consult outside sources to develop an in-depth understanding of the corporate issues subject to the negotiation.

Competitors may not bring any information they have researched into the negotiation, nor reference any information they have researched during the negotiation. Any research conducted may only be used to enhance the competitor's understanding of the problem and strategy.

3. Staying within the record: Competitors are encouraged to find creative resolutions to the issues presented in the problems. However, competitors cannot invent secret information to their advantage. Participants may not make up facts beyond the record, but the facts in the problem are subject to reasonable interpretation and inference. Competitors also may not lie to the opposing team about their confidential information. If competitors doubt where this line of fairness exists, they should ask one of the Competition Chairs.

4. Confidential Materials: Confidential information regarding your side will be included with your problem. In order to negotiate successfully negotiations, this information must be kept confidential and not discussed with other competitors outside of your oral negotiation rounds. However, during the oral negotiation rounds, you may decide to disclose some of your client's confidential information to the other team provided that you may not actually *show* your confidential information to anyone except your partner.

B. Oral Negotiation Format

- 1. Preliminary Rounds – February 12 and 13, 2018:** All teams will participate in the first two days of the competition. Each team will negotiate for 1 hour each night with an opposing team. The problems for the first night (Problem 1) will be distributed by email on or before February 5, 2018. The problem for the second night (Problem 2) will be distributed by email on February 6.
- 2. Quarterfinal, Semifinal, and Final Rounds: February 14, 15, and 20:** The top sixteen (16) teams, based on the highest average oral negotiation scores from the preliminary rounds, will advance to Wednesday's Quarterfinals in two competition ladders. Eight (8) teams will advance to Thursday evening. Four (4) teams will advance to the Final Rounds on the following Tuesday, with two winners being recognized at the end of the oral negotiation rounds, one team from each ladder.
- 3. Pairings and Room Assignments:** Pairings and room assignments for both preliminary rounds will be posted on the MCHB door on February 9, 2018 by 5:00 PM and will be emailed to the teams. Teams will be paired randomly in the Preliminary Rounds. Advancement and seedings for the Quarterfinal round will be determined in accordance with MCHB Bylaws.
- 4. After the Negotiation:** Once a round is completed, the teams must leave the room to allow the judges to complete their ballots. An MCHB member will notify the teams to return to the rooms for critique by the judges. The MCHB member will return the judges' ballots and the

completed Term Sheets to the MCHB office for scoring. Participants must not handle the scored ballots.

- 5. Competitor Check-In:** Each night of the competition, competitor check-in will begin at 5:00PM. Each member of the team must check in at the check-in table by 6:00PM prior to each round. The check-in table will be located in the hallway outside the MCHB office.

Teams that fail to appear for a round will be disqualified from the competition.

- 6. Exhibits:** Teams may bring *blank* flip charts, whiteboards and blackboards to use during negotiation sessions, but they should not bring other visual props. Teams may bring handwritten drafts of proposed Term Sheets and language into the negotiation session. A Final Terms Sheet will be provided to competitors when they sign in. The teams will complete the Final Terms Sheet at the conclusion of the negotiation. This should reflect the agreement that was reached during the round.

Final term sheets must be written on a new, blank term sheet template during the round itself.

- 7. Breaks:** Teams may—but are not required to—take one (1) break during each round to have a private conversation with their teammate. This break is limited to 5 minutes per team. If one team chooses to take a break, the other team may immediately take a break at the same time, or choose to break at a different time. Please note that any break still counts toward the one (1) hour allowed for negotiation.

C. Competition Scoring

- 1. The Score:** Each competitor will be scored on a 50-point scale, according to the following criteria, with each category having up to 10 points per competitor.
 - a. Outcome.** Criteria judges consider will include:
 - The extent to which the overall outcome served the client's interests, regardless of whether an agreement was reached.
 - Ability to secure specific individual terms of the contract that were important to the client.
 - b. Negotiation Planning/Effective Communication.** Criteria judges consider will include:
 - How well the competitor appeared to be prepared, judging from the competitor's apparent strategy.
 - How well the competitor communicated his or her client's interests during the negotiation session.

- c. **Generating Creative Options/Flexibility in Strategy.** Criteria judges consider will include:
 - How flexible the competitor appeared to be in adapting his or her strategy to the changing negotiation.
 - The extent to which the competitors generated creative solutions to resolving the dispute.
 - d. **Teamwork.** Criteria judges consider will include:
 - How effectively each negotiator worked as a team, sharing responsibility, and decision-making, and providing mutual back-up.
 - e. **Relationship Between the Negotiating Teams.** Criteria judges consider will include:
 - How the team managed its relationship with the other team in achieving the client's best interests, including being able to gather information from the other side.
 - How the team worked to move the negotiation forward.
2. **Determining the Winning Team for Each Round:** The team that wins more ballots wins the round (i.e., the ballot win-loss record). A team wins a ballot when its overall ballot score exceeds the opponent's overall ballot score. In the event that neither team wins more ballots than the other, the Committee shall break the tie in line with the following steps (in order):
- a. **Average Ballot Score:** If the Committee determines that neither team has won more ballots than the other, each tabulator shall independently compute the average ballot scores from all the ballots in the round for each team. The average ballot score is the sum of a team's ballot scores from all the ballots in the tied rounds divided by the number of ballots in that round, rounded to the nearest hundredth. The team with the higher average ballot score will prevail.
 - b. **Average Oral Score:** If the Committee finds that the two teams have the same average ballot score when rounded to the nearest hundredth, each tabulator shall independently compute the average oral scores for each competitor in the round. The average oral score is the sum of a competitor's oral scores plus all the ballots in the tied round divided by the number of ballots in the round, rounded to the nearest hundredth. The round winner shall be the team with the individual competitor who has the highest average oral score in the round.
 - c. **Absolute Oral Score:** If the Committee determines that there is still a tie, the Committee shall declare the round winner to be the team with the individual competitor who received the highest oral score of all the judges' ballots in that round.

- d. **Competition Average Ballot Score:** If there is still a tie, the Competition Committee shall determine the competition average ballot scores for the teams. The competition average ballot score is the sum of each team's average ballot scores from all rounds divided by the number of rounds in which that team has competed, including the tied round but disregarding byes. Round to the nearest hundredth. The round winner shall be the team with the higher competition average ballot score.

3. Determining Which Teams Advance to Quarterfinal Round on Wednesday (February 14, 2018): Consistent with MCHB bylaws, before the quarterfinal round the Committee shall rank the teams according to the following criteria:

- a. **Winning Record:** Rank the teams according to the greater number of rounds won. Byes count as won rounds for the purposes of this Rule.
- b. **Competition Average Ballot Score:** Among teams with the same number of rounds won, rank by preference of the higher competition average ballot score. The competition average ballot score is the sum of a team's average ballot scores from all rounds divided by the number of rounds in which that team has competed, disregarding byes. Round to the nearest hundredth.
- c. **Competition Average Oral Score:** Among teams with the same competition average ballot score when rounded to the nearest hundredth, rank by preference of the team with the individual competitor who has the higher competition average oral score. The competition average oral score is the sum of a competitor's average oral scores (rounded to the nearest hundredth) from all rounds divided by the number of rounds in which that competitor has competed, disregarding byes. Round to the nearest hundredth.
- d. **Competition Absolute Oral Score:** Among teams with the same competition average oral score when rounded to the nearest hundredth, rank by preference of the team with the individual competitor who has received the higher competition oral score of all the judges' ballots in the competition.

The Committee shall select the top sixteen (16) ranked teams of the competition for advancement to the quarterfinal round. The teams will be divided into two ladders.

D. Awards and Honors

The following individual and team honors will be given at an awards ceremony on February 20, 2018:

Oral Negotiation Winners and Finalists:

- a. First Place Teams
- b. Finalist Teams

c. Semifinalist Teams

Best Oral Negotiators: MCHB will recognize the three highest scoring individual competitors overall. Only competitors who have advanced to the quarterfinal round are eligible for this award.

IV. OTHER CONSIDERATIONS

A. Order of the Barristers

Participation in the Contract Negotiation Competition is a category for selection to Order of the Barristers. Students may apply for Order of the Barristers in the last quarter of their third year. A faculty committee selects up to ten applicants for membership in the Order based in part on an outstanding participation in moot court events.

B. Moot Court Honor Board Invitation

No competitors shall be directly selected for membership based on their performance in the Contract Negotiation Competition. However, competitors who participate can earn points that will be used for the purposes of Cumulative Selection invitations to the Moot Court Honor Board at the end of the academic year. See MCHB bylaws for more specific information.