



UNIVERSITY *of* WASHINGTON

SCHOOL OF LAW

Moot Court Honor Board

2020 CAIRNCROSS & HEMPELMANN NEGOTIATION COMPETITION

COMPETITION RULES

I. GENERAL RULES

A. Competition Committee

The Moot Court Honor Board (MCHB) selects a Competition Committee to run each competition. The members of the 2020 Contract Negotiation Competition Committee are:

- Hannah Godwin, Competition Co-Chair
- Casey Yamasaki, Competition Co-Chair
- Jack N. Miller, Committee Co-Chair
- Kolby Cameron, Committee Member
- Ade Bateman, Committee Member

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

B. 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.

C. Important Dates

Registration Opens	February 3, 2020
Check Deadline	February 17, 2020 (5:00 PM)
Drop-Out Deadline:	February 17, 2020 (5:00 PM)
Preliminary Round 1:	February 24, 2020
Preliminary Round 2:	February 25, 2020
Quarterfinal Round:	February 26, 2020
Semifinal Round:	February 27, 2020
Final Round & Reception:	March 2, 2020

D. 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.

E. Competition Fee

The competition fee is \$15 per team. This fee must be paid by check made payable to the “University of Washington School of Law.” Please deliver your team’s check to the MCHB office in **Room 129, by 5:00 on February 17.**

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 goal sheet and during participation in the oral negotiation rounds.

During the competition, competitors may only discuss the problem with their partner. Competitors may not seek or receive any assistance from another student, faculty member, or an attorney, except the assistance normally provided to attorneys by reference librarians and court personnel.

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:

<https://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

As stated in the information session presentation and email circulated to competitors, the deadline to drop out of this competition was **5:00 PM on February 17, 2020**. If you drop out after this date you will be barred from competing in any MCHB competition for one full year from the date you drop out, unless the finds you had good cause to drop out. Please see Rule 308 of the MCHB Bylaws for additional information. Any changes in competitors (eg: substitution of team members, etc.) must be reported to the MCHB Competition Co-Chairs 24 hour prior to the start of the first round. No substitution is permitted after the first round has begun.

III. COMPETITION FORMAT, PROBLEMS, AND SCHEDULE

A. The Contract Negotiation Problems

1. The Problems: Competitors will negotiate a different aspect of a fictional problem involving a different contract each night. Each round of negotiation will last one hour. As a competitor, you are to immerse yourself in the details provided, and *only* the details provided. The teams should zealously represent the interests of their assigned clients during the negotiation.

While MCHB no longer requires term sheets, you should be prepared to memorialize any agreement you reach with the other side to give to the judges at the end of your round to assist in their evaluation of the round. These documents can be as basic as a handwritten summary of your terms, or your team is welcome to create a more formal document in advance with space to fill in the final terms.

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 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.*

3. Staying within the record: Competitors are encouraged to find creative resolutions. However, competitors cannot invent secret information to your 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. When you doubt where this line of fairness exists, ask one of the Competition Chairs.

4. Confidential Materials: Confidential information regarding your side will be included with your problem. In order to have successful 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. The same rules regarding confidential information apply to every round.

B. Oral Negotiation Format

1. Preliminary Rounds – February 24-25, 2020: 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 non-confidential side of the Preliminary Round 1's problem will be released upon registration, with its confidential information being released to teams on the Saturday before the competition begins. Information regarding Preliminary Round 2's problem will be released by 10:00 PM on February 24, 2020.

2. Quarterfinal, Semifinal, and Final Rounds: February 26, 27, and March 2:

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 Monday, with two winners being recognized at the end of the oral negotiation rounds, one team from each ladder.

3. Pairings and Room Assignments: Pairings for both preliminary rounds will be emailed to the competitors by 5:00 PM on February 23. 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 be waiting in the hallway to take ballots to the MCHB Office. Participants must not handle the scored ballots.

5. Competitor Check-In: Each night of the competition, competitor check-in will begin at 5:30 p.m. ***Both*** members of the team must check in together no later than 5:45. 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 use flip charts, whiteboards and blackboards during negotiating sessions but should not bring other visual props. Teams are welcome to bring sample drafts of proposed resolutions and language into the negotiation session.

7. Breaks: Teams may—but are not required to—initiate a break during the round to have a private conversation. **This break is limited to 5 minutes per team.** If one team chooses to take a break, the other team may take advantage of that time without it counting toward their opportunity to take a break later. Teams need not use all five minutes at once. For example, Team A may choose to take a two-minute break, and then later choose to take a three-minute break. However, teams may not have more than a total of five minutes to break.

Please note that any break still counts toward the one (1) hour allowed for negotiation.

8. Accommodations. If you believe you need accommodations to participate in this competition, please reach out to the VP of In-House Competitions prior to the drop deadline. The Competition Committee reserves the right to change time limits for individual teams to accommodate competitors with special needs.

C. Competition Scoring

1. Each competitor will be scored on a 50-point scale, according to the following criterion:

a. Negotiation Planning/Effective Communication: 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. (10 points)

b. Generating Creative Options/Flexibility in Strategy: 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. (10 points)

c. Outcome: The extent to which the outcome served the client's interests, regardless of whether an agreement was reached. (10 points)

d. Teamwork: How effectively each negotiator worked as a team, sharing responsibility and providing mutual back-up. (10 points)

e. Relationship Between the Negotiating Teams: 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. (10 points)

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: 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.

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 March 2, 2020:

Oral Negotiation Winners and Finalists:

- a. First Place Teams
- b. Finalist Teams
- c. Semifinalist Teams

Best Oral Negotiators: MCHB will recognize the three best individual oral negotiators overall. Only competitors who have advanced to the semi-final 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 your 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.