



## **2020 Online 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:

Alisa Smith, Committee Co-Chair  
Ade Bateman, Committee Co-Chair  
Conor McCauley, Committee Co-Chair  
Nathan Wolfe, Committee Member  
Stasia Skalbania, Committee Member  
Saybin Medler, Committee Member

Please email all questions to the Committee at: [contractnegotiationcomp@gmail.com](mailto:contractnegotiationcomp@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: October 5, 2020 (12:30 PM)  
Registration Closes: October 14, 2020 (5:00 PM)  
Drop out Deadline: October 18, 2020 (5:00 PM)  
Preliminary Round 1: October 26, 2020 (6:30 PM)  
Preliminary Round 2: October 27, 2020 (6:30 PM)  
Quarterfinals: October 28, 2020 (6:30 PM)  
Semifinals: October 29, 2020 (6:30 PM)

Final Round: November 2, 2020 (6:30 PM)

#### **D. Eligibility**

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

#### **E. Competition Fee**

There is no competition fee.

### **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.

Additionally, each competitor shall abide by the Moot Court Honor Board Standards of Conduct. Each competitor will acknowledge the Standards of Conduct prior to competing in any MCHB competition. A copy of the Standards of Conduct is available in each competition packet, and on the MCHB website under the "About" tab.

*MCHB often uses problems from other national competitions. Please do not research where the problem came from and look for the other side's confidential information.*

#### **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>

More details on the process will be provided as the competition approaches.

### **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**

The deadline to drop out of this competition is **5:00 PM on October 18, 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 board 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.

### **E. TECHNOLOGY.**

To ensure that all teams are operating on a level playing field, no competitor may be physically located in the same room during the trial. They may be in the same building. Once the round begins, advocates may communicate with each other via text, etc.

## **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 and ten minutes**. For the online format, we have added ten minutes to accommodate for potential lack of flow between partners and for technological difficulties. 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 – Oct. 26 and 27, 2020:** All teams will participate in the first two days of the competition. Each team will negotiate for 1 hour and 10 minutes each night with an opposing team. The non-confidential and confidential information side of the Preliminary Round 1's problem will be 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 October 26, 2020.

**2. Quarterfinal, Semifinal, and Final Rounds: October 28, 29, and November 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. The numbers of teams moving on are subject to change based on how many teams end up participating. Notification of the number of ladders and the number of teams to be eliminated will be updated to competitors via email, if needed.

**3. Pairings:** Pairings for both preliminary rounds will be emailed to the competitors by 10:00 PM on October 24. 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 will be placed in a breakout

room while judges complete the ballots. 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. Teams that fail to appear for a round will be disqualified from the competition. Check-in will be through texting a committee member. More information about who you are supposed to contact will be released with the problem and pairings.

**6. Exhibits: You should not bring pre-prepared visual props. This prohibition includes powerpoint slides, excel spreadsheets, etc.** Teams are welcome to prepare 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 7 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 seven minutes at once. For example, Team A may choose to take a two-minute break, and then later choose to take a five-minute break. However, teams may not have more than a total of seven minutes to break. Please note that any break still counts toward the one hour and ten minutes 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 ([mchbinhc@uw.edu](mailto:mchbinhc@uw.edu)) 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.

\*Numbers subject to change depending on number of teams competing.

## **D. Awards and Honors**

The following individual and team honors will be given at a virtual awards ceremony on November 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**

Three 1L competitors shall be directly selected for membership based on their performance in the Contract Negotiation Competition. Competitors, as always, 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.