HALLOUM NEGOTIATION COMPETITION
RULES

RULE 1. FACT PATTERN

A. When do registered teams receive the competition fact patterns for the preliminary rounds?
Competitors will receive fact patterns on March 16, 2011 via email. Each team will receive:
   1. Two common sets of facts known by all competitors;
   2. Two sets of confidential information known only to the competitors representing your side.

Judges will have access to all materials provided to competitors.

B. What assumptions should teams make about the facts and the controlling law in the simulations?
Although the simulations may refer to actual places, for purposes of the competition, assume that there is no mandatory legal authority. Any exceptions will be explicitly stated in the fact pattern.

Word to the wise: You will not be given extra points for displaying a knowledge of the law outside your fact pattern "universe"... bringing in extraneous law is often confusing to opposing counsel if it isn’t something that's been mentioned in the fact pattern. If you have questions about what is appropriate, please email the Competition Directors for advice.

C. What if there are questions about the fact pattern?
Submission of inquiries relating to the simulated fact patterns in advance of the competition should be sent by email to halloumcompetition@gmail.com. You may not consult with other teams who have the same side as you or who represent the opposite side. The last opportunity to send fact pattern questions will be Friday, March 25th at noon. Any questions after that time must be procedural only.

RULE 2. FORMAT

A. What is the general format of the competition?
The competition will consist of two preliminary rounds and a final round. Each preliminary round (Monday, March 28 and Tuesday, March 29) will have two negotiation sessions between a total of four teams. Half of the teams will compete in the first session (6:00pm to 7:30pm) and half will compete in the second session (7:45pm to 9:15pm). Each team will negotiate twice in the preliminary rounds – once on Monday and once on Tuesday. Only two teams will advance to the third and final round.

Each session will consist of a 50-minute negotiation session (which may include one 5-minute break per team, which will be counted as part of the 50-minutes if called). After the session is concluded, the teams will have 10 minutes to speak with their partners outside of the room to prepare a 10-minute self-analysis, which you will then present to the judges. The other team cannot be present. The other team will then do a 10-minute debriefing session in front of the judges. Judges
will complete scoring. Time permitting, judges may provide limited remarks on the round.

**B. Are breaks allowed during a session?**
Each team may take one break of no more than 5 minutes. The 50-minute period will continue during any such break. If one team calls a break, both teams must leave the room during the break.

*Word to the wise:* These 5 minute breaks are discretionary, and should really only be used if you and your partner encounter something unexpected during the session and need to discuss what to do next. Otherwise, they tend to interrupt the flow of the round and take valuable time away from your negotiation.

**C. What may competitors bring to the round?**
Competitors may bring in prepared notes for personal use in any non-electronic format. No prepared materials may be presented or handed out during the negotiation session or self-analysis, except as specifically authorized by the fact pattern. Competitors may also use a calculator.

*Word to the wise:* It may seem like a hassle, but getting up and using the whiteboard is the mark of a great negotiator - it helps EVERYONE in the room (you, opposing counsel, the judges) remember what has been said and agreed upon. However, make sure to exercise proper etiquette and make sure anything you put on the whiteboard is amenable to opposing counsel - you don't want to get into a "battle of the board" where people are jumping up and erasing things instead of working toward a mutually-agreeable solution.

**D. Who is responsible for time-keeping?**
Responsibility rests with the student competitors for timekeeping and for adherence to the allotted time periods for negotiating sessions and breaks. The judges will simply call "time" when the 50 minutes is up.

**RULE 3. SELF-ANALYSIS (DEBRIEF).**

**A. What is the process for the self-analysis/debrief?**
Following the 10-minute preparation for the analysis/debrief, each team will have 10 minutes to analyze the team's performance in the negotiation for the judges. The opposing team will wait outside during the debrief. On the first round, the team assigned a higher letter in the alphabet will go first. On the second round, the team assigned a lower letter in the alphabet will go first.

**B. What is the content of the 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?"

The team should also be prepared to respond to questions from the judges concerning the team's performance. In addition, the team might use this as an opportunity to explain why they chose a particular approach or even a specific tactic. The judges may consider for scoring purposes anything said during this session.

*Word to the wise:* Negotiation competitions are often won/lost in the self-analysis period, so do take
it seriously. This is a chance for you to explain your strategy going in, talk up the things you did well, but also to acknowledge what you would have done differently. While you don't want to disparage yourself, being candid about your mistakes will usually earn the respect of your judges. Finally, make sure to focus on the "package" you walked away with at the end of the negotiation - if it's written on a whiteboard somewhere in the room, walk the judges through each element of the deal and explain how it satisfies your client's interests. Much of this will have to be prepared on the fly during your 10-minute preparation session out in the hall, but you and your partner can prepare some parts of it (including the organization of what you want to say) ahead of time.

RULE 4. FINAL ROUND

A. How are materials distributed for the Final Round?
The General Information and Confidential Materials for the Final Round will be distributed immediately after the advancing teams are announced. The Competition Directors may release the materials in such a way that the teams have an equal amount of time to prepare for their respective appearance in the final round.

The side represented by competitors for the final round will be determined by random lot.

RULE 5. CONFIDENTIALITY

A. Who can I discuss the fact pattern with?
You may ONLY discuss your preparation plans with your partner. No one else may be consulted. We expect that all teams will be prepared to negotiate using their own original strategies and preparation materials, except those materials provided by the Competition Directors to everyone equally.

IMPORTANT: Competitors CANNOT share confidential information with any other team in the negotiation competition, including teams who share the same fact pattern. Competitors negotiating on the first session of the evening cannot communicate with any other competitors negotiating on the second session of the evening. Sharing information degrades the level of competition and will cause any teams offending this rule to be disqualified.

B. Who may attend my rounds?
You may have observers watch your competitive rounds, but those observers must not speak or interrupt the competition in any way. They must also be prepared to arrive before the round begins and sit for the entire 50-minute round until the competitors leave to prepare for their debrief/self-analysis.

Special rules for the final round: The final rounds will be open to all Law students. It is expected that observers will be silent for the 50-minute round and not interrupt the competition.

RULE 6. JUDGES

A. Who are the judges, and what is their role? Each round will be observed and evaluated by a panel of 2-3 judges consisting of attorneys, professors and/or students. These judges will evaluate the competitors’ performance according to the standards and criteria provided.
B. What if the number of judges viewing each session (or each round) is not equal? If there are different numbers of judges in each room (or in each round), judge assignments and scoring adjustments should be made with the objective of achieving an equal number of rankings for all teams (a) in each room and (b) in each round. If there is one room with two judges and five rooms with three judges, the scores of the two judges should be averaged to create a third score for that room. For the purpose of this rule, averaging means adding together the scores given by the two judges and dividing by two. The result shall be rounded up or down to the hundredth decimal. For example, an average score of 2.3333 would be 2.33 and a score of 2.6667 would be rounded to 2.67.

RULE 7. SCORING

A. What is the general process for scoring preliminary rounds and advancing to the final round? Each panel of judges will score the teams according to the Evaluation Criteria Form. After the second round, the Competition Directors will add all the judges’ scores for each team corresponding to each of the six evaluation criteria, and then they will calculate a cumulative total. (See Rule 6C concerning an uneven number of judges on the panel in any round). The team with the lowest cumulative total is the winner. At the end of the second round, the two highest-ranking teams will advance to the final round.

B. Judging Standards:
The judging standards are based on the premise that there is no one "correct" approach to effective negotiation in all circumstances. Instead, the judges will score you on the strategies and techniques you used based on the nature of the problem, the specific mix of personalities involved, and other circumstances.

Whatever approach is used, however, negotiation effectiveness can be judged at least in part by the outcome of the session, regardless of whether agreement was reached. A good negotiation outcome is one that:

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

Word to the wise: You are not permitted to make up facts of your own in these rounds, but otherwise, creativity is always a good idea! This stems from the notion of "expanding the pie" (creating a larger pool of benefits to distribute between the parties) before parsing out who gets what in the later phases of negotiation.

RULE 8 MISCELANEOUS

If the Halloum Negotiation Competition Rules fail to address a particular scenario, the Competition Directors will adapt the ABA Official Rules and Standards for Judging the Negotiation Competition 2010-11.