

2023 HALLOUM BUSINESS COMPETITION RULES

RULE 1. FACT PATTERN

A. Materials

In advance of the negotiation session, each team will receive:

- a common set of facts known by all competitors; and
- a set of confidential information known only to the competitors representing your side

Judges will have access to all material provided to competitors. Competitors *CANNOT* share confidential information with any other team in the negotiation competition, including teams who share the same 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." In fact, bringing in extraneous law can be confusing to opposing counsel and judges if it is not something that was mentioned in the fact pattern. 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.

Advancing rounds: The General Information and Confidential Materials for the semifinal and final rounds will be distributed after the advancing teams are announced. The Student 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 rounds. The side represented by competitors for the final round will be determined by a random lot.

B. Questions

Questions about competition materials should be emailed to halloumbusiness@law.berkeley.edu. You may NOT consult with other teams, even those who represent that same side as you. Questions seeking strategic advice are not permitted, but clarifying or procedural questions are allowed. We cannot guarantee a response to any questions sent less than 24 hours in advance of the round.

RULE 2. COMPETITION LOGISTICS

A. Location

All rounds will be held in-person at Berkeley Law.

B. Rounds

The competition will consist of one preliminary round, one semifinal round, and one final round.

For the preliminary round, half of the teams will compete in Session A (6:00 pm to 7:30 pm) and half will compete in Session B (7:30 pm to 9:00 pm). A sample session schedule for the first session is provided below.

Advancing teams: Based on the judges scoring in the preliminary round, eight teams will advance to the semifinal round. The top two teams will advance to the final round.

C. Session Format:

- Each session will begin with a 50-minute negotiation (which may include one 5-minute break per team, counted as part of the 50-minutes if called).
- After the negotiation concludes, teams will have 5 minutes to speak with their partners outside of the room and prepare for their analysis.
- The Student Directors will predetermine which side presents their analysis first. Teams will each have 7 minutes to present their post-negotiation analysis to the judges (*see Rule 3*). The other team cannot be present in the negotiation room during the analysis.
- Once the first team completes their analysis, the second team will provide their analysis in front of the judges while the first team waits outside.
- After both analyses have concluded, judges will complete the scoring.
- Time permitting, judges may provide limited remarks on the round.
- There will be two negotiation session time slots for the evening rounds. Teams will be randomly assigned to their time slot and only compete once per night. Heat A will begin at 6:00 p.m., and Heat B will begin at 7:30 p.m.

Session Schedule Example:

- 6:00 p.m. – Judges enter the room and perform a conflict check with competitors
- 6:05 p.m. – Start 50-minute negotiation (breaks are optional)
- 6:55 p.m. – Conclude 50-minute negotiation; competitors exit room for 5 minutes to prepare their analysis
- 7:00 p.m. – Team A provides their 7-minute post-negotiation analysis to judges
- 7:07 p.m. – Team B provides their 7-minute post-negotiation analysis to judges
- 7:14 p.m. – Judges complete scoring
- 7:20 p.m. – Time permitting, judges provide feedback to competitors
- 7:30 p.m. – End of session

D. Mid-Negotiation Breaks

During the negotiation, each team may decide to take one break of no more than 5 minutes. The 50-minute period will continue during any such break. If one team calls for a break, both teams must leave the room.

E. Use of Additional Materials During Competition

- Competitors may use a calculator.
- Competitors may use prepared notes for personal use. These notes must be in a non-electronic format. Competitors may create shared notes during the round via whiteboard – see below.

A note about whiteboards: The use of shared notes during a negotiation can be a powerful tool for both teams. This helps everyone in the room (you, opposing counsel, the judges) remember what has been said and agreed upon. Make sure your shared notes are amenable to opposing counsel - you don't want to get into a "battle of the board" where people are debating over the accuracy of the shared notes instead of working toward a mutually agreeable solution.

F. Timekeeping

Responsibility rests with the student competitors for timekeeping and for adherence to the allotted time periods for negotiating sessions and breaks. This helps our judges focus their attention on evaluating student performance. The judges will simply call "time" when the 50 minutes is up. Students are not permitted to ask judges for additional time updates.

RULE 3. POST-NEGOTIATION ANALYSIS

A. Format

When the 50-minute negotiation ends, there will be a 5-minute preparation period, after which each team will have 7 minutes to analyze their team's performance in the negotiation for the judges. During each team's analysis, the opposing team will wait outside the room. For each round, the Student Directors will predetermine which side will present first.

B. Content

Students are free to discuss any issues from the negotiation during the analysis. For example, students may provide self-analysis on their own performance, reflect on how the negotiation went for their own team or the other team, or address any other issues they see as being relevant to the negotiation. The team might also use this as an opportunity to explain why they chose a particular approach or tactic and discuss its effectiveness. As a starting point, students might begin by addressing the following questions:

- "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?"
- "How well did your strategy work in relation to the outcome?"

During the analysis, the team should also be prepared to respond to questions from the judges concerning the team's performance. The judges may consider for scoring purposes anything said during this session.

Word to the wise: The post-negotiation analysis gives teams an opportunity to informally discuss how things went, and successful teams will be thoughtful in their approach. Negotiation competitions are often won/lost in the 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 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" your team 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 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. CONFIDENTIALITY

A. Limitations on Discussing Fact Pattern With Others

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 Student Directors to everyone equally. If you encounter a violation of this policy, please contact the Student Directors immediately.

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. Observers

Observers are not allowed during the preliminary and semifinal rounds, as they may be a visual distraction.

The final round will be hosted in-person and open to the public with lunches provided to all attendees.

RULE 5. JUDGES

A. Number of Judges and 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. All rooms should do a conflict check before starting the round to ensure personal relationships will not bias the round's results.

B. Judge Assignments and Scoring Adjustments As Needed

If there are different numbers of judges in each room (or in each round), judge assignments and scoring adjustments will 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 6. SCORING

A. Method

Each panel of judges will score the teams according to the Evaluation Criteria Form. The Student Directors will add all the judges' scores for each team corresponding to each of the evaluation criteria, and then they will calculate a cumulative total. (See Rule 6B concerning an uneven number of judges on the panel in any round). The team with the highest cumulative total is the winner.

At the end of the first round, the eight highest-ranking teams will advance to the semifinal round. Team advancement will be based on scoring at judicial discretion, and it is possible for semifinal opponents to square off again in the Finals. Therefore, you should look to put on your best negotiation skills regardless of who you face because you are all competing together.

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 the agreement was reached. A good negotiation outcome is one that demonstrates many (if not all) of the following elements:

- Is better than the best alternative to a negotiated agreement (with this party)
- 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, 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 7. MISCELLANEOUS

A. Other Governing Rules

If the Halloum Business Competition Rules fail to address a particular scenario, the competition will adopt the ABA Official Rules and Standards for Judging the Negotiation Competition.