

**American Bar Association
Law Student Division**

2017-18

**NEGOTIATION
COMPETITION**

**REGIONAL COMPETITION
ADMINISTRATIVE GUIDE**



Revised September 2017

**AMERICAN BAR ASSOCIATION
LAW STUDENT DIVISION**

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REGIONAL COMPETITION ADMINISTRATIVE GUIDE**

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Introduction

The administration of regional competitions involves the following responsibilities: (1) coordinating visiting law school teams; (2) determining the location to conduct the competition; (3) recruiting judges for the competition; (4) providing logistical information to all participants and their designated contact person; (5) gaining familiarity with the established procedure for resolving disputes; (6) computing rankings according to prescribed formulas; (7) announcing results; and (8) providing lunch and refreshments.

In addition, host schools often provide a continental breakfast, lunch, and a reception (such as snacks, desserts, wine and cheese, or whatever is appropriate for the hosting school) following the second preliminary round. During this reception, the four teams advancing to the final round will be announced. Sample costs saving tips are included below.

This Administrative Guide will examine each of these topics in detail and is designed to assist all who administer and participate in the regional competitions.

The host school should designate a faculty or staff member to act as a host school administrator, who shall be present throughout the competition to supervise. The host school administrator must not be a coach of a team participating in the competition. Additionally, the host school administrator must provide current contact information to the Negotiation Competition Subcommittee.

Because the host school administrator has access to the competition problem's confidential facts, the faculty or staff members may not coach any teams competing in the competition, nor may any student competitors serve as host school administrators.

1. PRELIMINARY COORDINATION OF VISITING LAW SCHOOL TEAMS

All ABA-approved law schools are invited to participate in the competition. Entry forms are submitted to the American Bar Association Law Student Division, which organizes the entry information and assumes responsibility for grouping entrants into regional competitions.

Law schools will be scheduled to host the competition. The hosting schedule is published on the Negotiation Competition home page. Because primary responsibility for hosting is with law schools, the participating law schools are encouraged to either host the regional competition or make arrangements for a bar association, law firm, or other organization to host it. Responsibility for administering the regional competition rests with the host.

A host has certain privileges and responsibilities. Law schools, by choosing to become a central focus in their region for negotiation activities, are able to highlight their ADR programs, class offerings, and

faculty research in this field. Bar associations, law firms, and other organizations, in addition to providing a public service, may realize similar advantages. Students and faculty from law schools who are interested in dispute resolution meet one another and become acquainted with the host. A host's major responsibility is administering the competition. Hosts have historically found this effort to be highly rewarding for faculty, students, and judges alike.

A. The Host

The ABA Law School Division will set up conference call dates for hosts to discuss important duties with members of the Negotiation Subcommittee. Each host school should participate in one of these conference calls.

After the competition entry deadline, you will be sent the list of law schools, contacts, and faculty advisors who will participate in the competition. You may then communicate directly with participating law schools.

Once you are appointed as host, two major steps must take place. First, you must identify the location for the competition (see Section 2 of this Administrative Guide). Second, you will need to provide certain information to the designated contact persons of the schools assigned to your region no later than three weeks prior to the regional competition. They will need to know the exact location of the competition, the starting time, and the schedule for the entire competition.

You should also provide directions for reaching the competition by car or by public transportation, as well as any other information you feel would be useful for someone unfamiliar with the area (*e.g.*, a list of restaurants, a map). You may want to arrange for discounted rates at local hotels or, at a minimum, provide information about hotels convenient to the competition site, safe, and reasonably priced. A sample Host School message is attached (Appendix B). Competition administrators should provide a copy of their Host School message to the ABA Law Student Division Chicago Office no later than three weeks prior to the competition.

Thus, the host will contact participating law schools in addition to the communication from the ABA Law Student Division. In this way, regional administration can be centralized at the host location. It is particularly advisable to have one individual at the host location be the contact person available for telephone consultation for a number of weeks prior to the competition. Because inquiries can come from other law schools, faculty advisors, law students, judges, and a number of support personnel, a centralized location is particularly useful.

B. Finances

The Law Student Division will reimburse you for expenses involved in hosting the competition in an amount up to, but not to exceed, \$75 per team participating in the regional competition. You should submit your reimbursement request to the Law Student Division on the reimbursement request form that the Chicago office will provide to you. You must attach to the request original receipts sufficient to show expenditures at least equal to the amount of reimbursement requested. Your request should be submitted no later than 30 days after the conclusion of the regional competition. Please be sure to indicate the desired payee of the check and to whose attention it should be sent. The ABA Financial Services Department requires approximately three weeks after receipt to process check requests.

Note: Any travel, lodging, and incidental costs incurred by participants and advisors in the regional competition will not be reimbursed by the ABA, in general, or the Law Student Division, in particular.

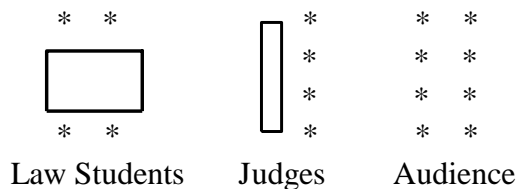
2. LOCATION OF THE COMPETITION

To determine the best location for the competition, you should consider the following:

- A. The rooms in which the negotiations will take place require space for two, two-person teams and four judges. In addition, non-participants may desire to be in the rooms as observers. The students will require a table on which to place books, papers, and information.

You need not hold the competition at your own facility. A law firm sponsoring the competition may wish to use the facilities of a local law school. Likewise, a law school may wish to use the facilities of a local courthouse.

A possible room design might look like this:



This room organization could be accommodated in part of a classroom, a courtroom, or a conference room in a law firm. For instance, in a courtroom, one of the plaintiff or defendant tables can be used as the negotiation table; the judicial bench or the first row of audience seating can be used for judges; and visitors can sit where they normally would in a courtroom.

- B. Faculty advisors are not allowed to coach during the negotiation, but most choose to observe.

Note: While the rules adopt a liberal approach to assistance prior to the competition, faculty advisors should be advised that Rule 23 in the Rules and Standards for Judging strictly prohibits any communication during the period from commencement of the participants' initial negotiation session through the judges' feedback to the competitors.

- C. It is somewhat easier to have all the negotiations going on within one or two floors of a building, rather than scattered throughout a building. Otherwise, participants, judges, and others may find it difficult to locate rooms and be seated in time for the negotiation. Directing everyone to the correct rooms and floors can be difficult, particularly for those who have never visited the building before. Having the rooms close together will also facilitate the collection of Ranking and Scoring Sheets and other administrative functions.

- D. The competition format allows one 5-minute break by each team. Although rooms are not necessary, provision should be made for sufficient places where teams may confer privately (*e.g.*, room corners, stairwells, etc.).

3. RECRUITING JUDGES FOR THE COMPETITION

Judging panels should consist of no fewer than three members. One of the three members of the panel may be a non-lawyer. To the extent possible, the host school is responsible for selecting judges who are experienced and knowledgeable in negotiation skills. The professional activities of any non-lawyer judge should regularly involve negotiation. Because of the possibility of last minute cancellations, host schools are encouraged to recruit four judges for each competition room.

If there is an insufficient number of judges on the day of the competition, negotiations may be observed and evaluated by panels consisting of less than three judges; however, adjustments shall be made for scoring (*e.g.*, if only three judges observed a round, their rankings should be averaged to provide a fourth ranking for the round) if other rooms have four judges. See Rule 10 of the Rules and Standards for Judging for more detail.

To enhance the objectivity of the rankings assigned by the judges in each round, each panel of judges should observe only one round. If it is impossible to recruit enough judges to achieve this objective, the judges who observe more than one round should be kept on the same panel or panels, and the host administrator should ensure that these judges do not observe the same team twice. Regional competitions with 12 or 16 teams must have new judges in the afternoon (see Appendix J).

The host school should begin recruiting judges as early as possible prior to the competition (see Appendix C for a sample message). The sources of possible candidates include local bar associations, alumni lists, and judges in the community. Community groups involved in dispute resolution activities are also prime sources for judges. These include, but are not limited to, neighborhood justice centers, arbitration associations, mediation groups, federal and state administrative agencies, and individuals who practice in the field of dispute resolution. Professors or other individuals closely connected with the host school should not serve as judges if at all possible. However, if such people must be used as a last-minute emergency measure, they must not judge a team from the host school. And because there is no way to know whether a host school's teams will advance to the final round, to avoid any potential conflicts of interest, professors or others closely associated or connected with the host school should not judge the final round.

Judges should be well-briefed on the ranking procedure and given a Ranking Sheet, a Scoring Sheet, and a Comment Sheet. The Chicago office of the ABA Law Student Division will provide the host with materials to be sent to each judge, including the negotiation problems,; a judge's summary for each round; a document clarifying any ambiguities raised by competitors; the standards for judging; and Ranking, Scoring, and Comment Sheets. The host school should ask for each recruited judge's email address so that some of these materials can be distributed electronically.

It is the responsibility of the host administrator to confirm the attendance of all judges and send judging materials upon confirmation (see Appendix D for a sample message), as well as confirm all participating teams, in advance of the regional competition. This confirmation should take place at least one week before the competition date.

4. **PROVIDING LOGISTICAL INFORMATION TO ALL PARTICIPANTS ON THE DAY OF THE COMPETITION**

The host school should provide logistical information as follows: first, for individuals entering the site for the competition; second, specifically for judges, law school faculty, and student participants; third, during the competition rounds; and last, regarding final rankings, announcements, and meals.

A. Logistical Information on Site

As people enter the building, information should be posted at every opportunity to indicate the competition location, floor, room, etc. Arrows on signs pointing up and down the hallways, in elevators, and on windows are essential. Even a marking on the correct door entrance helps things go more smoothly. Remember, many of the individuals participating will be out-of-town guests or individuals who may not have ever been in the competition-site building. Law students of a host school may also participate as ushers to lead the way. Ushers are often students from dispute resolution classes in the host school who are interested in the competition and future conflict resolution competitions.

At these posting sites, information as to where everyone should go FIRST is essential. The agenda for the day should be posted, along with room and floor numbers delineating where everyone should go first. An example is attached (see Appendix E).

B. Logistical Information for All Participants

Judges should first report to one room while law school teams and their faculty advisors should report to another room. These rooms should be designated in advance. If space is limited, competition rooms may be used for the judges' briefing room and team orientation session as long as the competition schedule is not adversely affected.

(1) Central Meeting Room: Check-in and Orientation Session

A. Check In.

The Team Room should be the room to which all participants are directed FIRST. When the teams and their faculty advisors report to the Team Room, they will check in and be given a new packet of materials containing an agenda of the day's events, room assignments, and a description of the site of the competition. A set of rules for the competition should be available for reference.

B. Orientation Session

This session should be held while the judges are being briefed. No one other than the student competitors, alternates, coaches, and person(s) conducting the orientation session may attend. Roll should be taken before the session begins to ensure all competitors are present.

Once everyone is checked in, the administrator shall give a short orientation (as described in the Rules and Standards of Judging, Rule 9), including a review of the day's agenda, the location of rooms and floors, the timing of each round of the competition, and a description of all meeting rooms. Information on restroom locations, etc., should also be available.

During the orientation session, Rules 8(A)(2) and 23 (Observers' Attendance During Rounds and Prohibited Communication and Attendance) MUST be read to the participants. Participants shall be afforded the opportunity to ask questions about logistics and administrative issues. In adherence with the Rules and Standards of Judging Rule 7E, the administrator shall not answer any questions relating to the simulated fact pattern.

During the team orientation, the host school administrator should provide a phone number (i.e. cell or office) where he/she can be reached throughout the weekend of the competition.

(2) Judges' "Central" Meeting Room

When the judges report to the Judges' Room, they will check in and be given a packet of materials containing one Ranking Sheet, four copies of the Scoring Sheet, four copies of the Comment Sheet, an agenda of the day's events, room assignments, and a description of the site of the competition. On each judging sheet, the judge should write his or her name and assigned room. Even though they were probably sent competition information in advance, including the negotiation problems, this information should also be included in the judges' packet. Information on restroom locations, etc. should also be available.

After everyone has checked in, the judges' orientation should take place. For details, please see Negotiation Competition Instructions for Briefing Judges (see Appendix F) and a script for orienting the judges (see Appendix G).

At the judges' orientation, judges should be cautioned to respect the strict anonymity of the student participants. Upon completion of the first rounds, judges should refrain from asking participants about their schools, particularly if the judge will be returning to evaluate the second round. Even if the judge will not return for other rounds, the judge should be careful that people who may be judging subsequent rounds do not overhear the conversation.

C. Logistical Information during the Competition Rounds

A place should be designated and staffed during the entire course of the day to provide logistical information during the competition rounds. This logistics person will give directions during the day, help direct people to appropriate places, and locate key competition personnel when needed. Everyone, including judges, faculty advisors, and law students, should be familiar with this central location.

D. Logistical Information on Meals, Final Tabulation, and Final Rounds

All participants should be kept informed as to when and where lunch will be served, where Ranking, Scoring, and Comment Sheets must be turned in, where final tabulations will be made, and when and where final results will be announced. This can be done initially at orientation meetings, but should also be among the printed material and daily agenda announcements.

At the end of a negotiation round (after 2 negotiations are completed or 4 teams have competed—this would take place at approximately 12:05p.m. for the morning rounds and 5:35p.m. for the afternoon rounds), someone should be in charge of collecting the Scoring Sheets and the Comment Sheets from the judges. In this regard, the Scoring Sheets and Ranking Sheet after the

second round should be collected before the judges provide feedback to the teams. The judges may, however, keep the Comment Sheets until after the feedback session, and then the sheets should be collected. Often, judge groups finish at different times, and someone must go from room to room collecting these sheets instead of making the judges walk down the halls among student participants with these sheets in their hands. It is very important that the persons picking up the Ranking Sheets and Scoring Sheets from the judges quickly check each set to be sure rankings have been listed, each of the scoring scales have been completed, and each judge has circled that the team has observed OR has violated ethical standards (including a brief explanation of the potentially unethical conduct. A checklist for reviewing these documents is included as Appendix H. Nothing causes more headaches than finding out at the end of the day that a preliminary round judge forgot to indicate his/her ranking or complete one or more scales. Final tabulations should be made in a place to which participating students and faculty advisors do not have access.

In the event of inclement weather, or any unexpected event, that may necessitate delaying or cancelling the competition, decisions on how to proceed shall be made by the ABA Law Student Division in consultation with the Host School Administrator and the Negotiation Subcommittee.

5. **PROCEDURE FOR RESOLVING ADMINISTRATIVE ISSUES**

After receiving a complaint under the rules or administrative guidelines, the host school administrator should call the Negotiation Competition Subcommittee member on call to discuss the issue. Further, the host school administrator must call the Negotiation Competition Subcommittee on call if a judge indicates that a team violated ethical standards. The host school administrator has authority to resolve administrative problems not directly affecting the competition's final result. Any complaint alleging violation of the rules that may affect results must be handled in accord with Rule 16. Note that under Rule 16, an appeals board is not convened until the end of the second preliminary round of the regional competition. Moreover, the appeals board may hear a dispute only if the dispute has not been rendered moot by the results. **HOST SCHOOLS MAY NOT VARY THE FORMAT, RULES, OR PROCEDURES OF THE COMPETITION, EXCEPT AS OUTLINED IN RULE 9 OF THE RULES AND STANDARDS FOR JUDGING.**

6. **SCORING**

Detailed instructions for scoring are contained in Rule 10 of the Rules and Standards for Judging and their accompanying Ranking Sheet, Scoring Sheet, and Tie-Breaking Calculations Form. In addition, the ABA Law Student Division provides the host school with a tally sheet for use in compiling the rankings assigned by the judges (see Appendix I).

7. **ANNOUNCEMENT OF RESULTS / SCORE SHEET REVIEW PERIOD**

After the rankings for the first and second rounds have been tabulated, the competition administrator must announce the four teams that will advance to the final round. **After the announcement, the administrator must make available a copy of the tally sheet indicating all teams' rankings and distribute the original judges' Comment Sheets and copies of the judges' Scoring Sheets to their respective teams.** Administrators may post one or more copies of the Tally Sheet in such a manner that all coaches/teams may review the scores and/or provide a copy to each team. **Individual judges' Ranking Sheets will not be distributed to participants.** The competition administrator must mail the tally sheet, Ranking Sheets, and Scoring Sheets to the Chicago Office within five business days of the competition, which will be retained for up to 90 days.

Tally Sheets may be reviewed for mathematical errors for fifteen (15) minutes following their distribution. If a mathematical error is identified during the Review Period, corrections shall be made before beginning the final round at the regional competitions and before beginning the semifinal round at the National Negotiation Finals Competition. Corrective computations shall be an open process. Failure to raise any objection to the computations on the Tally Sheet within the Review Period shall be a defense to any subsequent protests following the preliminary rounds.

The four teams that progress to the final round are those that have the lowest cumulative rankings in the first two rounds. The top-ranked team chooses when it will compete during the final round (first negotiation or second negotiation), and it will negotiate against the fourth-ranked team. Accordingly, the second-ranked team will negotiate against the third-ranked team. After determining when each team will compete, random lot will determine what side the teams will represent in the final round. Once the final four teams are announced and their respective sides determined, the competition administrators should provide these teams with envelopes containing general information and confidential facts for the competitors' respective sides for the final round. The competition administrator will distribute the final round materials immediately after the advancing teams are announced.

Scoring for the final round will also be based on the judges' ranking of one to four. The ranking order of the final four teams will be announced immediately following the tabulation of results (based only on the judges' rankings in the final round).

8. LUNCH AND REFRESHMENTS

Lunch is served at the site of the competition and generally consists of a box lunch.

Refreshments (water or cold drinks) should be available for participants throughout the day. Water should be provided in the room for judges.

A reception (or an informal gathering) should be held following the conclusion of the second round. The four teams advancing to the final round will be announced during this gathering/reception.

Consider these cost savings ideas:

Hotel

Choose a host hotel that serves free breakfast

Use ABA Leverage

The ABA can now help you plan your hotel room blocks and get the best room rates.

Visit ABALeverage or contact Sue Lupori for more information.

Sue Lupori

ABA Leverage, Manager

312.988.5875

Sue.lupori@americanbar.org

Food and Catering

Schedule sufficient time between rounds so competitors can leave campus

Provide food for sale by the law school or a school group

Eliminate alcohol from the reception

Buy snacks from a warehouse store rather than having them catered

Limit reception food to snacks rather than a meal

Provide a guest speaker or entertainment at the reception rather than making food the focus
Serve only water at lunch rather than soft drinks
Eliminate dessert from meals
Serve a light lunch like granola, chips, whole fruits and cookies rather than a heavy meal
Ask local restaurants to provide coupons for competitors

9. TEAM IDENTIFICATION, PAIRING ROUNDS, AND ASSIGNMENT OF JUDGES

Each team will be assigned a random letter by the Chicago office of the Law Student Division. Included with these instructions are the pairing schedules for 12 to 28 teams (see Appendix J). These letter assignments may not be varied by the host school. Judges must remain in the same room for the entire round.

10. AVOIDING CONFLICTS OF INTEREST AMONG JUDGES, COMPETITORS, AND COACHES/ADVISORS

To help avoid conflicts of interest among judges, competitors, and coaches/advisors before the rounds begin, we suggest two options:

1. Once the judges have been brought to their assigned rooms, but BEFORE a round begins, have all 4 teams (and coaches) who will compete in that room enter the room so that both they and the judges can make sure they do not know the competitors. If there are conflicts, then judges can be switched to other rooms. Once the judges are switched to other rooms, a conflicts check of the 4 teams (and coaches) should be conducted again, OR
2. Before the morning round begins, have all judges line up and have all competitors and coaches line up facing them and determine whether any judge knows a competitor or coach. Repeat this process before the afternoon round.

The conflicts check is more difficult for the final round, when judges cannot be switched to other rooms. Therefore, the best solution may be to at least make sure that the coaches/advisors do not know the judges and if so, those coaches/advisors should either not watch the final round, or sit where they will not be associated with a particular team competing in the final round.

11. TIMEKEEPING

During the Regional and National competitions, the student competitors are not provided with timekeepers. They are responsible for keeping track of their time. However, one of the judges on each panel must be selected to keep track of the time for the judges. Under no circumstance will a negotiation session last longer than 50 minutes, excluding the self-analysis and feedback sessions. Each half of the negotiation round lasts 1 hour and 40 minutes.

The timekeeper judge shall stop the negotiation 50 minutes after the student lawyers greeted each other regardless of where students are in the negotiation process. The decision of the timekeeper judge as to when the negotiation should end is final. The timekeeper judge should use the Judges' Timekeeping Sheet to record the time each session begins and ends to assure that the timekeeping is accurate (see Appendix K).

Appendix A

Sample Message from Administrator to Host School Teams

This message, or a similar one, should be sent to the host school's team from someone with authority such as the law professor in charge of your Board of Advocates or Client Skills Board, or your Dean of Student Affairs.

Dear Teams and <Faculty Adviser>:

I am so pleased that you will be representing the <Your Law School Name> this weekend. Please know that the <Administrators> have been working very hard to make this a good experience for all teams.

Please read below for the additional host instructions for teams from our school. I look forward to speaking with you - after the weekend.

SPECIAL INSTRUCTIONS FOR TEAMS AND COACHES FROM THE HOST SCHOOL

To avoid even the appearance of bias, please adhere to these guidelines:

1. Try to act like a visitor to our school. Try to blend in with the other competitors. For example, avoid mentioning your house is two blocks away.
2. Make sure you are not carrying anything that says <University Name> or <Law School Name>.
3. On the day of the competition, try not to go to places in our school that the other competitors would not go to. This includes offices, lockers, key accessed library study rooms, and classes.
4. Try not to interact with students or professors from our school who may be in the building during the competition. If you need to respond to someone, please do so quietly and quickly.
5. Please do not approach the host administrator or students working the event unless it is with a tournament related question of the nature you would ask if you were at another school. For the most part, those questions should be handled by your faculty adviser / coach.
6. On the day before the competition, we will send your coach a list of negotiation judges that we expect may be in your competition rooms. Please look over this list in your coach's office, and let us know ASAP if you recognize any of the names on the list. You may not keep a hard copy of that list. We have already attempted to pull people we think you know.
7. Undoubtedly, there will be judges that you DO know who are in other rounds. They will be instructed not to interact with you. Please do not interact with them.
8. On the day of the competition, do not volunteer helpful information to others who might appear "lost." This includes not volunteering instructions to places in the building or locations in the local area. This might give the impression that you are "signaling" to your judges that you are from here. If you are asked for information directly by a competitor or coach from another school, quietly and discreetly answer their question. (We don't want to

be rude!)

9. Please quietly tell your coach about anything that seems inconsistent with these guidelines. S/he will discuss them with me if necessary.
10. Like all competitors, you may not tell a judge what school you are from, even after the round. If another competitor or coach asks, politely tell them you have to wait until after the second rounds are completed per the competition guidelines.
11. Your coach may have additional rules which you should follow.

These instructions are not intended to make you nervous, but are intended to benefit all of us. The important thing is just to concentrate on your rounds. Do well. I know you will.

Come see me next week!

<Professor / Dean _____>

Appendix B

Sample Host School Message to Participating Schools

(Date)

(Designated Contact Person)

(Law School)

(E-mail Address)

Dear (Designated Contact Person):

The (host name) will be the host for the ABA Law Student Division Region ____ Negotiation Competition, under the direction of (host administrator's name). The competition will be held at (time), on (date), at (include the address).

On that date, all participating law school teams will meet at 8:00 a.m. in (room number) where coffee and rolls will be served. Each team will be given its letter designation at that time.

Three to four weeks prior to the competition, the ABA Law Student Division will send each law school contact and faculty adviser a copy of the general facts for the first, second, and final negotiation rounds and confidential facts for the first and second negotiation rounds.

Confidential facts for the final round will only be distributed to the four teams advancing to the final round. The law school participants will also receive copies of Negotiation Competition Rules and Standards for Judging, which includes its procedures, and a Ranking Sheet and a Scoring Sheet.

If you would like to purchase any negotiation problems for your intra-school competition, please contact the ABA Law Student Division or visit the ABA Law Student Division website.

We have included directions to the competition and information on travel, hotels, and restaurants in our area. Do not, however, purchase flights until after the ABA Law Student Division has confirmed your regional placement. Please direct any questions you may have to my office. We look forward to your visit! You and your students are welcome to contact us at any time. My office number is (phone number and extension). In an emergency, during the competition I can be reached at (phone number).

Sincerely,

(Your Name)

(Your e-mail address)

(Your phone number)

Appendix C

Sample Judge Recruitment Message

The (host name) is hosting the ABA Law Student Division Region ____ Negotiation Competition on November XX-XX, 20XX at the law school's campus in (City, State). Competitors will be representing many law schools from the surrounding states. To make this event successful, we are asking members of the (City or State) Bar to serve as judges for the competition.

The ABA Law Student Division's Negotiation Competition promotes greater interest among law students in legal negotiation and provides a means for them to practice and improve their negotiating skills. The competition simulates legal negotiations in which law students, acting as lawyers and operating in teams of two, negotiate opposing interests in a series of legal problems. The simulations consist of both a common set of facts known by all participants and confidential information known only to the participants representing a particular side. All of the simulations deal with the same general topic, but the negotiation situation varies with each round and level of the competition.

The judges will grade participants based upon their legal analysis, poise, creativity, communication, and negotiation skills. The teams receiving the highest scores on Saturday, November XX, will advance to the final round on Sunday, November XX. The winning team will advance to the National Negotiation Finals Competition.

This competition provides students with a unique opportunity to develop practical skills that will enable them to become proficient attorneys. Therefore, it is imperative that judges not only grade the competitors, but also use this as an opportunity to teach students effective negotiation skills and provide students with constructive criticism. This is an excellent opportunity for members of the (City or State) Bar to actively instruct and participate in the development of the next generation of lawyers.

If you wish to participate in the competition, we will provide you all pertinent information prior to the competition. Please contact me at (e-mail address) or (phone) by (due date), if you would like to participate or if you have any questions.

Sincerely,

Your Name

Your e-mail address

Your phone number

JUDGING SCHEDULE

Saturday - November XX from 8:30 am to 12:30 pm

Saturday - November XX from 2:00 pm to 6:00 pm

Sunday - November XX from 8:30 am to 12:30 pm

* Please feel free to sign up for one or more time slots.

** Food will be provided throughout the day for all shifts.

*** Please inform me of your preferred time..

Appendix D

Sample Judge Confirmation Message:

Thank you for offering to serve as a judge in the ABA Law Student Division Region X Negotiation Competition. This message is to confirm that we would like you to judge Round X of the competition.

Round X begins at XX:XX am/pm and is scheduled to end at XX:XX am/pm on Day, Date. Please plan on arriving 30 minutes early so we can check you in and you can meet the other judges. <Continental Breakfast / light snacks / boxed lunch> will be available. Please report to <room name/floor number> at ____ Law School at <street address, city, state>.

MORE JUDGES NEEDED

We still need a few more judges for Rounds 1 and 2. Round X takes place on Day, Date from <begin time> to <end time>. If you know of anyone else who would like to serve as a judge, please have him or her contact me at _____.

COMPETITION DOCUMENTS

The competition problem (negotiation simulation), detailed judging instructions, standards for judging, Ranking Sheets, Scoring Sheets, and Comment Sheets are attached. Rule 13 discusses the role of judges. Please also pay particular attention to the standards for judging, and all of the scoring documents, as these forms will be the way you will evaluate and score the competitors.

In preparing to judge this negotiation competition, please keep in mind that a good negotiation outcome does not necessarily require that a conclusive agreement be reached. A good negotiation is one that

- 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, and leaves no one feeling “taken.”
- Involves commitments that are clear, realistic, and operational.
- Involves communication that is efficient and well understood.
- Results in an enhanced working relationship or an agreement to negotiate further.

Thank you for your contribution to this great learning experience for law students. Please let me know if you have any questions.

Appendix E

Sample Agenda/Competition Schedule American Bar Association Law Student Division November ____, 20XX

IF YOU ARE A JUDGE, PLEASE REGISTER IN ROOM _____.
IF YOU ARE A PARTICIPANT, PLEASE REGISTER IN ROOM _____.

FOLLOWING IS THE SCHEDULE FOR TODAY:

Morning Schedule

- 8:00 - 8:55 Hospitality suite; Team welcome/orientation starts promptly at 8:30
- 8:30 - 8:55 Judges' briefing
Team orientation session
- 8:55 - 9:00 Judges and competitors go to competition rooms. Conduct conflict check.
- 9:00 - 9:50 Negotiation. Each side may ask for one 5-minute break during this 50-minute period, and any such break will not extend the time. Both teams must leave the room during a break.
- 9:50 - 10:00 Preparation for self-analysis. (Judges begin filling out Scoring Sheets sections 1-5 and the Comment Sheets.)
- 10:00 - 10:20 Two successive 10-minute self-analyses. The team with the letter designation closest to the beginning of the alphabet goes first.
- 10:20 - 10:30 Judges complete Scoring Sheets and Comment Sheets.
- 10:30 - 10:40 Judges provide feedback on first negotiation to both teams at the same time.
- 10:40 - 10:45 Break. New teams come in.
- 10:45 - 11:35 Negotiation. Each side may ask for one 5-minute break during this 50-minute period, and any such break will not extend the time. Both teams must leave the room during a break.
- 11:35 - 11:45 Preparation for self-analysis (Judges begin filling out Ranking Sheets, Scoring Sheets sections 1-5, and the Comment Sheets).
- 11:45 - 12:05 Two successive 10-minute self-analyses. The team with the letter designation closest to the beginning of the alphabet goes first.
- 12:05 - 12:20 Judges complete Ranking Sheets, complete Scoring Sheets, and decide on final ranking of teams. Ranking Sheets and Scoring Sheets are collected from the judges at this time. Judges may keep their Comment Sheets during the feedback session.

12:20 - 12:30 Judges provide feedback on second negotiation to both teams at the same time. At the completion of this session, the Comment Sheets are collected for distribution to the competitors at a later time.

Break for lunch, scoring, afternoon assignments

Afternoon Schedule

2:00 - 2:25 Judges' briefing
2:25 - 2:30 Judges and competitors go to competition rooms. Conduct conflict check.

2:30 - 3:20 Negotiation. Each side may ask for one 5-minute break during this 50-minute period, and any such break will not extend the time. Both teams must leave the room during a break.

3:20 - 3:30 Preparation for self-analysis (Judges begin filling out Scoring Sheets sections 1-5 and the Comment Sheets).

3:30 - 3:50 Two successive 10-minute self-analyses. (The team with the letter designation closest to the beginning of the alphabet goes first).

3:50 - 4:00 Judges complete Scoring Sheets and Comment Sheets.

4:00 - 4:10 Judges provide feedback on first negotiation to both teams at the same time.

4:10 - 4:15 Break. New teams come in.

4:15 - 5:05 Negotiation. Each side may ask for one 5-minute break during this 50-minute period, and any such break will not extend the time. Both teams must leave the room during a break.

5:05 - 5:15 Preparation for self-analysis. (Judges begin filling out Ranking Sheets, Scoring Sheets sections 1-5, and the Comment Sheets).

5:15 - 5:35 Two successive 10-minute self-analyses. (The team with the letter designation closest to the beginning of the alphabet goes first.)

5:35 - 5:50 Judges complete Ranking Sheets, complete Scoring Sheets, and decide on final ranking of teams. Ranking Sheets and Scoring Sheets are collected from the judges at this time. Judges may keep their Comments Forms during the feedback session.

5:50 - 6:00 Judges provide feedback on second negotiation to both teams at the same time. At the completion of this session, the Comment Sheets are collected for distribution to the competitors after the four finalists are announced.

A reception (or an informal gathering) will be held following conclusion of the afternoon round. During this reception, the four teams advancing to the final round will be announced.

Appendix F

AMERICAN BAR ASSOCIATION LAW STUDENT DIVISION

NEGOTIATION COMPETITION INSTRUCTIONS FOR BRIEFING JUDGES

Fairness and consistency in scoring are important factors in the success of this competition. Therefore, orientation and instruction of judges is crucial. The schedule provides 30 minutes for orientation of judges.

We urge that you appoint a faculty member at your school to work with the judges to ensure that they review and understand (well in advance of the date of the competition) the simulations and the judging criteria. If you wish, you may yourself assume the role of adviser to judges. If you do, it will be necessary for you to resign from your role as adviser to your school's team and to appoint another faculty member to that position. The adviser to judges will need to have access to confidential information. That person must keep absolutely confidential the information contained in the profile. You should be especially cautious about this to avoid any dispute concerning a conflict of interest or unfair advantage based on "leaked" information.

Judge orientation should occur three times during the competition – one before each round. Have all judges who are judging at the same time, *e.g.*, all judges for the morning session, meet as a group. At a time, you can answer questions concerning the rules, schedule, judging criteria, etc. Specifically, you should stress such administrative matters as the schedule of each round, the importance of keeping on schedule, the importance to the learning experience of the judges' critique, and the importance of comments on the evaluation criteria form as a means of feedback to the students. You should point out that the judges' critique, among other things, should (a) be specific; (b) include suggestions to improve weaknesses; and (c) recognize differing styles, but not avoid criticism, given the style adopted by the team.

During the orientation to judges, you **MUST play the Orientation video** provided to you by the Chicago office. You should test the video and your equipment before the day of the competition. So you can answer questions after showing the video, you should also use Appendix G of these instructions during orientation.

Judges should not be told the identity of the teams they are judging. To preserve the teams' anonymity, the ABA Law Student Division will assign team letters. Request that the judges **NOT** inquire of the students the names of their law schools. It is most important that the confidential packets be kept from participants and faculty advisors at all times. They are never to see them. Please instruct the judges not to allow any participants or faculty advisors to see the packets.

Appendix G

Orienting Judges

Good morning/afternoon. Thank you for taking time from your busy schedule to help judge the negotiation competition today.

Before we get started on the briefing, I'd like to make sure that everyone . . .

- * signed in
- * received materials
- * [whatever else you need the judges to have done]

A LITTLE ICEBREAKER

How many of you have judged a law school competition before? How about a negotiation competition?

[respond appropriately]

PLAY THE ORIENTATION VIDEO

[You must play the orientation video provided to you by the Chicago Office.]

ABOUT THE SCHEDULE

Let's take a look at the schedule to be sure that you're comfortable with the sequence and responsibilities.

[go through the schedule]

Competitors must keep track of the negotiation schedule provided by the host school, and they must show up on time for the negotiation, self-analysis, and feedback sessions. One of the judges on each panel must also keep track of the time, though the judges may also ask an observer not associated with any competitor competing at that time to help keep track of time. Negotiation sessions may not last longer than 50 minutes, regardless of where the students are in the negotiation process at that time. Each team may take one break of no more than 5 minutes. The 50-minute period will continue during any such break, and both teams must leave the room during the break.

[Make sure to let judges know where the timesheet is located (i.e., there is a copy in each judge's folder, the student escorting the judges to each room will provide it, etc.) (The Judges Timekeeping Sheet is provided in Appendix K of these instructions.)]

Please also note that it's important to keep on schedule. While it's tempting to extend the judges' comment period beyond the time allotted, we do need to collect ranking and Scoring Sheets and also get the second group of teams into the room, losing 5 or 10 minutes here or there adds up quickly to a logistical problem, so please keep an eye on the schedule.

ABOUT THE SCORING

[Make sure the judges understand scoring. This is covered in the video, but you may want to quickly go over the documents in their judging' packets.]

[Show the judges the RANKING SHEET.] You will be watching two complete negotiations which is a total of four teams. Each judge will be asked to rank those teams 1-4 (from most to least effective) on the RANKING SHEET. Each team will compete in both morning and afternoon rounds using a different fact pattern each time; those teams with the most 1st and 2nd place rankings (that is, the lowest scores) will advance to the final round with four teams. This is like golf, not bowling. Each judge should have ONE Ranking Sheet

[Show judges the SCORING SHEET.] To get above or below the neutral rating, number 4, the team must do something that makes a significant impact on the judges. Each judge should have FOUR Criteria Forms (one for each team.)

[Show the judges the COMMENT SHEET. [Please identify strengths and areas of improvement for each team. You can use the seven categories on the criteria form as comment areas, but you are not limited to those. Each judge should have FOUR Comment Sheets (one for each team.)

After the self-analyses, all participants, coaches/faculty advisors, and other observers MUST leave the room while the judges finish completing the scoring documents. While group discussion of the criteria is encouraged to insure consistency, filling out the Ranking Sheets is done on an independent basis. Once the competition is underway, each judge should make an independent judgment as to a particular team's numerical rating on the various scales on the Scoring Sheets and final ranking in the four-team round they observe.

After you've watched four teams negotiate (completed two sessions of negotiations) your Ranking Sheets and Scoring Sheets will be collected before you give feedback to the final teams. (For the morning rounds, these forms will be collected at approximately 12:05p.m. and for the afternoon rounds, they will be collected at approximately 5:35p.m.) You may keep your Judge's Comment Sheet while you give the last two teams their feedback. Those will be collected after you complete your feedback.

The students will receive your Scoring Sheets and Comments Sheets. Students find judges' written comments particularly helpful. Those extra minutes you spend filling out the comment form can provide an invaluable learning experience.

Any questions about the scoring? [respond appropriately]

SOME FINAL TIPS

1. If you recognize any student who will be negotiating in your room, please do not let the round begin; rather, find a competition administrator immediately. Typically, the administrators will do a conflicts check in each room before the round begins.
2. Be aware that there may be observers in the room; some may be coaches, while others may be students or faculty associated with the host school. Competition rules discourage observers from leaving the competition room until judges have concluded their feedback to the competitors (including during the preparation for self-analysis and both teams' self-analyses.)
3. Remember not to ask observers what school they're from!

4. Discuss any issues addressed in the team orientation session that should be brought to the judges' attention.

CONCLUSION

Thank the judges for giving their valuable time to assist law students by judging the competition.

Introduce the people running the competition and go over room assignments. Volunteers should be available to show the judges to their rooms.

Ask judges to take a few minutes to read through the scenario again.

Appendix H

Checklist for reviewing Judges' Ranking and Scoring Sheets and collecting the Comment Sheets

1. The Judges' Ranking Sheets and Scoring Sheets must be collected at the completion of a complete negotiation round (after 2 negotiations or 4 teams have competed) **BEFORE** the judges give their feedback to the last two teams. Also, both the Judges' Ranking Sheets and Scoring Sheets should be reviewed as soon as they are collected so that any issues can be addressed before the judges finish giving feedback to the last two team.
2. The reviewer should first ensure that each judge has 1 Ranking Sheet (where the judge has ranked the four teams observed in that room); 4 Scoring Sheets (one for each team observed in that room); and 4 Comment Sheets (one for each team observed in that room).
3. The reviewer should then ensure that each judge has properly filled out the top portion of their Ranking Sheet, Scoring Sheet, and Comment Sheet with each team's letter designation, the round, the judge's name, and the date. The reviewer should also confirm that those team letter designations were actually the teams that did compete in that room.
4. The reviewer should then review the Ranking Sheet to ensure that each judge has ranked each team 1, 2, 3, or 4. A judge cannot tie two teams with the same ranking. Only one team may receive a 1, only one team may receive a 2, etc.

If the reviewer determines an error in the ranking (i.e. a judge has assigned two teams with a 2 ranking or the reviewer cannot read the judge's handwriting to determine what rank a team received) the reviewer needs the judge to clarify his/her rank immediately. There is nothing worse than realizing an error with a judge's ranking after the judge has left the competition and cannot be reached.

5. The reviewer should then review the Scoring Sheets to ensure that the judge has circled/indicated a number for each of the 6 criterion and only one number, and that the number is clearly legible. If the reviewer cannot read or determine what number the judge has chosen for a particular criterion or the judge has not circled/indicated a number for a particular criterion, the judge should do so immediately.

Then the reviewer should ensure that the judge has completed the questions for criterion VII regarding Negotiating Ethics. The judge **MUST** circle whether a team observed or violated ethical standards. **AND**, if the judge circled "Violated," then the judge **MUST** provide a brief explanation of the unethical conduct. If the reviewer cannot read or understand the judge's response or the judge has left it blank, please have the judge complete it immediately.

Also, because ethical violations are so important, please make sure the host administrator knows about the judge's decision immediately because the administrator may have to discuss the situation with the judge.

6. Once the reviewer has completed the above steps, the reviewer should take the Ranking Sheets and Scoring Sheets to the tabulation room for processing, and the judges may begin their oral

critique of the last two teams. The judges may keep their Comment Sheets during the oral critique to help them to provide critiques to the teams.

7. After the judges give their feedback, their Comments Sheets should be collected and they should be instructed about whether they are free to leave or whether they need to return to a particular room/area to be “checked out” from the competition.

Appendix I
NEGOTIATION COMPETITION TALLY SHEET (Rounds I and II)

TEAM LETTER	Round 1				Round 2				TOTAL
	Judge 1	Judge 2	Judge 3	Judge 4	Judge 1	Judge 2	Judge 3	Judge 4	
A									
B									
C									
D									
E									
F									
G									
H									
I									
J									
K									
L									
M									
N									
O									
P									
Q									
R									
S									
T									
U									
V									
W									
X									

Place the rankings awarded by each judge in the appropriate team line. Add the team rankings for a total based on each judges' ranking. The lowest cumulative ranking prevails.

NEGOTIATION COMPETITION TALLY SHEET (Round III)

TEAM LETTER					TOTAL
	Judge 1	Judge 2	Judge 3	Judge 4	

Place the rankings awarded by each judge in the appropriate team line. Add the team rankings for a total based on each judges' ranking. The lowest cumulative ranking prevails.

NEGOTIATION COMPETITION

SAMPLE COMPLETED TALLY SHEET (Rounds I and II)

TEAM LETTER	Round 1				Round 2				TOTAL
	Judge 1	Judge 2	Judge 3	Judge 4	Judge 1	Judge 2	Judge 3	Judge 4	
Room 1									
A	3	4	1	4	3	4	2	1	22
B	4	3	4	3	2	3	3	3	25
C	1	1	2	2	4	2	4	2	18
D	2	2	3	1	1	1	1	4	15
Room 2									
E	1	1	1	1	2	2	2	1	11
F	4	4	4	3	3	4	4	3	29
G	3	3	1	2	1	1	1	4	16
H	2	2	3	4	4	3	3	2	23

Place the rankings awarded by each judge in the appropriate team line. Add the team rankings for a total based on each judges' ranking. The lowest cumulative ranking prevails.

**TOP FOUR TEAMS ADVANCING TO FINAL ROUND WOULD BE:
1ST: TEAM E (11), 2ND: TEAM D (15), 3RD: TEAM G (16), AND 4TH: TEAM C (18)**

Appendix J

AMERICAN BAR ASSOCIATION LAW STUDENT DIVISION

NEGOTIATION COMPETITION TEAM PAIRINGS

12-Team Schedule

Note: The ABA Law Student Division will assign letters to teams

	<u>Room 1</u>	<u>Room 2</u>	<u>Room 3</u>
Round 1	Teams A & B	Teams E & F	Teams I & J
	Teams C & D	Teams G & H	Teams K & L
Round 2	Teams C & H	Teams G & L	Teams K & D
	Teams I & F	Teams A & J	Teams E & B

Must have new judges for second round

<u>Side 1 Teams</u>	<u>Side 2 Teams</u>
A	B
C	D
E	F
G	H
I	J
K	L

**AMERICAN BAR ASSOCIATION
LAW STUDENT DIVISION**

**NEGOTIATION COMPETITION
TEAM PAIRINGS**

16-Team Schedule

Note: The ABA Law Student Division will assign letters to teams

	<u>Room 1</u>	<u>Room 2</u>	<u>Room 3</u>	<u>Room 4</u>
Round 1	Teams A & B Teams C & D	Teams E & F Teams G & H	Teams I & J Teams K & L	Teams M & N Teams O & P
Round 2	Teams C & L Teams M & F	Teams G & P Teams I & B	Teams K & H Teams A & N	Teams O & D Teams E & J

Must have new judges for second round

<u>Side 1 Teams</u>	<u>Side 2 Teams</u>
A	B
C	D
E	F
G	H
I	J
K	L
M	N
O	P

**AMERICAN BAR ASSOCIATION
LAW STUDENT DIVISION**

**NEGOTIATION COMPETITION
TEAM PAIRINGS**

20-Team Schedule

Note: The ABA Law Student Division will assign letters to teams

	<u>Room 1</u>	<u>Room 2</u>	<u>Room 3</u>	<u>Room 4</u>	<u>Room 5</u>
Round 1	Teams A & B Teams C & D	Teams E & F Teams G & H	Teams I & J Teams K & L	Teams M & N Teams O & P	Teams Q & R Teams S & T
Round 2	Teams G & T Teams M & J	Teams O & D Teams I & R	Teams S & P Teams A & F	Teams K & H Teams Q & B	Teams C & L Teams E & N

Side 1 Teams Side 2 Teams

A	B
C	D
E	F
G	H
I	J
K	L
M	N
O	P
Q	R
S	T

**AMERICAN BAR ASSOCIATION
LAW STUDENT DIVISION**

**NEGOTIATION COMPETITION
TEAM PAIRINGS**

24-Team Schedule

Note: The ABA Law Student Division will assign letters to teams

	<u>Room 1</u>	<u>Room 2</u>	<u>Room 3</u>	<u>Room 4</u>	<u>Room 5</u>	<u>Room 6</u>
Round 1	Teams A & B Teams C & D	Teams E & F Teams G & H	Teams I & J Teams K & L	Teams M & N Teams O & P	Teams Q & R Teams S & T	Teams U & V Teams W & X
Round 2	Teams S & P Teams E & J	Teams W & D Teams I & N	Teams C & X Teams M & R	Teams G & L Teams Q & V	Teams K & H Teams U & B	Teams O & T Teams A & F

<u>Side 1 Teams</u>	<u>Side 2 Teams</u>
A	B
C	D
E	F
G	H
I	J
K	L
M	N
O	P
Q	R
S	T
U	V
W	X

**AMERICAN BAR ASSOCIATION
LAW STUDENT DIVISION**

**NEGOTIATION COMPETITION
TEAM PAIRINGS**

28-Team Schedule

Note: The ABA Law Student Division will assign letters to teams

	<u>Room 1</u>	<u>Room 2</u>	<u>Room 3</u>	<u>Room 4</u>	<u>Room 5</u>	<u>Room 6</u>	<u>Room 7</u>
Round 1	Teams A & B Teams C & D	Teams E & F Teams G & H	Teams I & J Teams K & L	Teams M & N Teams O & P	Teams Q & R Teams S & T	Teams U & V Teams W & X	Teams Y & Z Teams AA & BB
Round 2	Teams G & L Teams Y & R	Teams K & P Teams A & Z	Teams S & D Teams E & V	Teams C & T Teams I & F	Teams W & BB Teams M & B	Teams AA & X Teams Q & N	Teams O & H Teams U & J

Side 1 Teams Side 2 Teams

A	B
C	D
E	F
G	H
I	J
K	L
M	N
O	P
Q	R
S	T
U	V
W	X
Y	Z
AA	BB

Appendix K

AMERICAN BAR ASSOCIATION LAW STUDENT DIVISION NEGOTIATION COMPETITION JUDGES' TIMEKEEPING SHEET

Each panel of judges should appoint one of the judges as timekeeper. The timekeeper should use this sheet to keep track of the time and should stop the teams 50 minutes after the negotiation session begins.

First Negotiation	Begin Time	End Time
Negotiating session begins when lawyers greet each other and ends 50 minutes later.	_____	_____
Judges begin filling out Scoring Sheets and Comment Sheets/Sections 1-5, during the 10 minutes that the student lawyers prepare for their self-analysis.	_____	_____
Self-analysis period for first team (begins 10 minutes after the first negotiation ended and must last no longer than 10 minutes).	_____	_____
Self analysis period for second team (begins immediately following first team's self-analysis and must last no longer than 10 minutes).	_____	_____
Judges complete Scoring Sheets and Comment Sheets for the first two teams (10 minute period).	_____	_____
Judges provide feedback to both teams from first negotiation session (10 minute period).	_____	_____
First negotiation must last no more than 1 hour and 40 minutes.	_____	_____
Second Negotiation		
Negotiating session begins when lawyers greet each other and ends 50 minutes later.	_____	_____
Judges begin filling out Scoring Sheets and Comment Sheets/Sections 1-5, during the 10 minutes that the student lawyers prepare for their self-analysis.	_____	_____
Self-analysis period for first team (begins 10 minutes after the second negotiation ended and must last no longer than 10 minutes).	_____	_____
Self-analysis period for second team (begins immediately following first team's self-analysis and must last no longer than 10 minutes).	_____	_____
Judges complete Scoring Sheets and Comment Sheets for the second two teams, and rank all four teams from both negotiation sessions, (10 minute period).	_____	_____
Judges provide feedback to both teams from second negotiation session (10 minute period).	_____	_____
Second negotiation must last no more than 1 hour and 40 minutes.	_____	_____