



AMERICAN BAR ASSOCIATION

**Law Student
Division**

**2019–2020
NEGOTIATION COMPETITION
RULES**

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**AMERICAN BAR ASSOCIATION
LAW STUDENT DIVISION**

RULES OF THE NEGOTIATION COMPETITION

RULE 1. INTRODUCTION

The Negotiation Competition, in existence since 1984, 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, negotiate a series of legal problems. The problems consist of a common set of facts known by all participants and confidential information known only to the participants representing a particular side. All of the problems deal with the same general topic, but the negotiation situation varies with each round and level of the competition.

RULE 2. ADMINISTRATION

The ABA Law Student Division and the Negotiation Competition Subcommittee of the ABA Law Student Division Competitions Committee conduct this competition. The competition webpage is located at <https://abaforlawstudents.com/events/law-student-competitions/practical-skills-competitions/negotiation-competition/>.

The Negotiation Competition (NC) Subcommittee, together with Regional Host School Administrators, administer the regional competition. A member of the NC Subcommittee is available by telephone for each regional competition. Faculty coaches and advisors of competing teams are prohibited from judging or assisting in the administration of the competitions in which their teams are competing.

The ABA Law Student Division and NC Subcommittee directly administer the national competition.

RULE 3. NATIONAL STUDENT DIRECTOR

The Law Student Division Chair may appoint a law student as the National Student Director, who will assist the Chicago Office and the NC Subcommittee with the competition. If appointed, the National Student Director is responsible for keeping the Competitions Committee informed as to the progress of the NC Subcommittee and for attending the national competition. The term of an appointed National Student Director will run from June 1 to May 31.

RULE 4. REGISTRATION AND ELIGIBILITY

A. Registration Process

To enter the competition, a team must obtain approval from the law school's dean and find a faculty member to serve as an advisor. Teams must submit entry forms no later than the announced deadline. **If a law student is listed as the faculty contact on the entry form, the team may be disqualified.** In addition, payment must be received by the entry deadline. If payment is not received, the school's registration may be canceled. Acceptance of entry forms received after the announced deadline is at the discretion of the NC Subcommittee, and if accepted, a late registration fee of \$50 may be imposed.

B. Cancellation

If a law school that has entered the competition decides not to compete, that law school must notify the Chicago Office as soon as possible. Teams that cancel before the competition entry deadline will receive a refund of the entry fee minus a \$50 administrative service charge, so long as the email was received by the competition entry deadline. Teams that cancel after the registration deadline will not receive a refund.

C. Student Eligibility

Participation in the Law Student Division competitions is limited to ABA *premium* members.

Competitors must be pursuing a JD at an ABA accredited law school and enrolled at the time of the regional competition. Students pursuing an LLM or students already licensed in the United States are not eligible to compete. Thus, all law students registered to compete in this competition, including alternate team members, must be *premium* members of the ABA Law Student Division. The annual fee to be a premium member of the ABA Law Student Division is \$25.00. To join, please call the ABA Service Center at 800.285.2221 or visit the ABA website at www.ambar.org/join. Failure to comply with this requirement may result in disqualification. Further, law schools must provide the names and premium membership numbers of their competitors and alternates by the deadline posted on the Dates & Locations webpage for this year.

Although they may compete at the regional level, students who graduate or visiting students who return to their degree-granting institution in between the regional competition and national competition cannot be substituted at the national competition. These students are encouraged to confirm eligibility and reimbursement with their schools.

RULE 5. COMPETITION TEAMS

A team consists of two law students attending the same ABA-approved law school, and law schools may register two teams. The registration form and fees are available on the website: <https://abaforlawstudents.com/events/law-student-competitions/practical-skills-competitions/negotiation-competition/>. On occasion, the ABA may allow a law school to register a third team (See Rule 5E). Each school may select its team(s) in any way it chooses. An intra-school competition is highly recommended.

A. Team Name-Submission Form

Each school must submit a complete list of team members by the Team Name Submission deadline posted on the Dates & Locations webpage. This list should include all team members and all alternates. Schools will not assign students to a specific team pairing when submitting this Team Name Submission form.

Due to life's uncertainties, schools are highly encouraged to register at least one student to serve as an alternate. Schools will not be allowed to register an alternate after the posted deadline, even if an unavoidable circumstance, such as death in the family, birth of a child, emergency surgery, etc., occurs after the deadline.

B. Team Letter Designations

Team letter designations for each school will be made on each school's sign-in sheet at the regional

competition. The sign-in sheet will list the team letter designation(s) assigned to that school, and the school must indicate which registered team members will compete as a team pairing under each assigned letter designation.

C. Alternates

All registered students not assigned to a team on the regional competition sign-in sheet will be considered alternates. If a team member is unable to compete in the regional competition due to an unavoidable circumstance (See Rule 5(D) below), an alternate may be designated to substitute, with the approval of the NC Subcommittee. Once a substitute is designated, however, the substitute must compete in all future regional and national competition rounds. The original team member cannot rejoin the team that designated an alternate or serve as an alternate for another team.

If an alternate is not available, the team may continue with only one member, with the approval of the NC Subcommittee, until the original team member is able to rejoin the competition. A team that advances to the national competition after competing at a regional competition with only one member must have the original team member rejoin the team.

Alternates who attend a regional competition may only observe the teams from their school, and they are subject to the scouting rule set forth in these competition rules.

D. Substitutions After the Regional Competition

No team member substitutions will be allowed after the regional competition begins, except for an unavoidable circumstance or any other reason that may be deemed an unavoidable circumstance by the NC Subcommittee. Unavoidable circumstances do not include graduating early or a visiting student returning to his or her degree-granting institution. The NC Subcommittee must approve any substitutions.

E. Additional Teams

The Chicago Office, in consultation with the NC Subcommittee, may permit one or more additional eligible teams to participate in the regional competition. Schools seeking to enter a third team into the competition must indicate this on their competition entry form and may be required to pay a \$50 deposit. Such additional teams may represent any school participating in the competition, including the host school. If additional teams are possible, a host school that indicates its desire to enter a third team into the competition shall have the first opportunity to provide an additional team. If additional teams are still needed, a random drawing will be conducted to select the additional team(s) from schools requesting a third team on the registration form.

F. Ghost Teams

If an uneven number of teams competes, a ghost team (sometimes referred to as a bye team) may enter the competition. That ghost team must comply with all competition rules; however, the ghost team cannot advance past the preliminary rounds. The ABA must approve a ghost team's participation.

G. Team Cancellation

The possibility always exists that because of illness or other emergency a team will cancel its participation immediately prior to or on the day of the competition. The ABA Law Student Division will attempt to identify an additional team to replace the cancelling team. If a replacement team cannot be identified and if the team withdrawing from the competition is from a school having one or more teams remaining in the competition, the school must split one team to compete in place of the withdrawing team. This means the school will be required to have two single-person teams competing. If the withdrawing team is the only team from a competing school, the competition administrator will seek another registered team to split to compete as single-person teams during the preliminary rounds of the competition. In seeking another registered team to split, the administrator will follow this process:

Identify the teams representing the same problem side as the cancelling team. Only these teams are eligible to be split.

1. The administrator will ask for volunteers.
2. If more than one team volunteers, the team will be chosen by lot.
3. If no team volunteers, the team will be chosen by lot from all teams representing the same problem side as the cancelling team.

H. Advancement of Single-Person Team(s)

If only one of the single-person teams qualifies for the final round of the regional competition or the national competition, that team's members may re-join to compete as a two-person team. If both single-person teams qualify for the final round, then both shall proceed as single-person teams. If a single-person team under this rule begins competing, the absent team forfeits.

RULE 6. FACULTY COACHES/ADVISORS

Each team is encouraged to have one or more coaches. A coach may be a full or part-time faculty member, law student, or a lawyer approved by a law school to coach the students.

If possible, a coach or faculty advisor should accompany the team to the regional and national competitions, and more than one coach may attend the competitions. The same or a different coach may attend the regional and national competitions.

Faculty coaches, advisors, alumni, or any attorneys who assist in preparing a competing team for the competition, including guest judging, are prohibited from judging or assisting in the administration of competitions in which their teams are competing. In addition, competition administrators may not be coaches or competitors in the competition. It is the team's responsibility to ensure that anyone who provides assistance to the teams knows they cannot volunteer to judge. They are also prohibited from attending the competition judges' briefing. Violation of this rule may result in a penalty at the discretion of the NC Subcommittee.

RULE 7. REGIONAL ASSIGNMENTS

Regional competitions generally occur in November. The ABA Law Student Division assigns each school to a regional site. Each school is required to complete the Regional Preference Form by the deadline listed on the Dates & Locations webpage. No travel arrangements should be made until the school has received written confirmation of its regional assignment from the Chicago Office, and final confirmation of the schedule from the host school. Once regional sites are assigned, a school requesting to change regions must show good cause, and the request must be submitted via email to the Chicago Office within three days of the notification of regional assignments.

RULE 8: HOST SCHOOLS

A. Hosting Expectations for Regional Competitions

The ABA Law Student Division will divide participating schools into regions for the regional competitions. The success of the regional competitions depends on the willingness of schools to host, either alone or in cooperation with a local bar association, law firm, or other sponsoring organization. The Law Student Division will publish a hosting schedule for each region. Any school that cannot host when scheduled is responsible for finding another host for that year. The Law Student Division reserves the right to disqualify a school from participating in the competition for up to two years if a school fails to host as scheduled and does not find a replacement host.

B. ABA Law Student Division Assistance to Host Schools

The Law Student Division will work with the school designated to host the competition in a particular region to ensure that administrative tasks are understood. The school, firm, or other organization assuming administrative responsibility will be provided with a regional competition Administrative Guide.

A subsidy of \$75 per participating team will be provided by the ABA Law Student Division to help the host school defray the costs of holding the competition. Additionally, the entry fee for the host school's first team will be waived. Host schools must provide lunch during the day and schedule an informal gathering after the preliminary rounds at which the advancing teams are announced. Host schools are encouraged to serve beverages and snacks during the latter event.

C. Location and Timing of Host School Team(s) to Compete

Any school hosting the competition has the option to send its team(s) to another regional competition instead of participating at the host school's site. This option is subject to space availability.

D. Host School Administrator

The host school should designate a faculty or staff member to act as competition administrator, although a student-run board may administer the competition. In addition, each administrator will be assigned a NC Subcommittee member who will be available during the regional competition as a consultant and advisor.

Faculty coaches, advisors, alumni, or any attorneys who assist in preparing a competing team for the competition, including guest judging, are prohibited from assisting in the administration of competitions in which their teams are competing. In addition, competition administrators are not allowed to be coaches or competitors in the competition.

RULE 9. COMPETITION PROBLEMS

A. Release of Problems for Preliminary Rounds

Approximately three weeks before the regional competition and the national competition, each participating school will receive the problems for the two preliminary rounds. The problems will consist of the following:

A common set of facts known by all competitors, which will be labeled General Information for All Parties; and

- Confidential information known only to the competitors who represent a particular side.

Legal background material or citations may be provided to competitors. In some instances, additional research may be appropriate. Judges will have access to all problem materials provided to competitors. Judges will also receive a Judges' Summary.

At the regional competition, competitors will also receive General Information for All Parties for the final round. (See Rule 9(C) below.) At the national competition, competitors will receive General Information for All Parties for the quarterfinal, semifinal, and final rounds. (See Rule 9(D) below.)

B. Access to Confidential Information for Both Sides

No one having access to confidential information for both sides may act as a coach or competitor. Similarly, no one having access to confidential information for both sides can share such information with coaches or competitors.

C. Regional Competition: Distribution of Final Round Problem

At the regional competition, the confidential facts for the final round shall not be distributed to the four advancing teams until all the following have been completed:

1. the 10-minute Tally Sheet Review Period has expired;
2. any and all mathematical and/or scrivener's errors raised during the Tally Sheet Review Period have been resolved; AND
3. any and all other reported complaints, violations, and disputes have been resolved.

D. National Competition: Distribution of Quarterfinal, Semifinal, and Final Round Problems

At the national competition, the confidential facts for the quarterfinal, semifinal, and final rounds will be distributed immediately after the eight advancing teams are announced and the 10-minute Tally Sheet Review Period has expired.

E. Facts and Controlling Law for the Negotiation Problems

Although the competition problems may refer to actual places, for purposes of the competition, assume that there is no mandatory authority unless expressly stated in the problem(s).

The persons and events depicted in the problems are purely fictional and are prepared solely for the educational exercise being conducted in the competition. Any resemblance to actual persons, living or deceased, is unintentional and purely coincidental.

F. Questions About Negotiation Problems

Submission of inquiries relating to the problems must be submitted by a coach or faculty advisor via the online problem clarification request form by 3:00 p.m. CST on the date that is seven calendar days following the date the problem is distributed to teams. No school, regardless of the number of teams it has in the competition, may submit more than a total of 3 questions, and those questions may not contain subparts.

Coaches/faculty advisors will be required to submit the following information when seeking clarification:

- Law school name;
- Problem side/party represented;
- Competition round;
- Whether the inquiry involves general facts or confidential facts; and
- Page number where the information requiring clarification is located.

Clarifications will be provided only if absolutely necessary—as determined by the ABA NC Subcommittee—to clarify a bona fide and fundamental question. If any such question is identified, the ABA Law Student Division’s Associate Director will send a clarifying answer to either all designated faculty advisors or those faculty advisors representing the affected side. Competition administrators will not answer questions about the problem at the regional or national competitions.

G. ABA Ownership of Negotiation Problems

The NC Subcommittee is responsible for developing the negotiation problems for the regional and national competitions. The Subcommittee may also provide an intra-school negotiation problem on the ABA website.

The copyright to all negotiation competition problems is held by the ABA and copyright protected under United States copyright laws. Audio, visual, or written versions may NOT be posted online or distributed in any manner or format without express written permission from the ABA Law Student Division. Failure to comply with this requirement may result in immediate disqualification from the competition and notice to your law school administration.

RULE 10. COMPETITION SCHEDULE

A. Regional Competition Schedule

A regional competition consists of three rounds: two preliminary rounds and one final round. Each team will negotiate twice, once in Preliminary Round 1 and once in Preliminary Round 2. After the two preliminary rounds, the top four teams will advance to the regional competition Final Round. (See the rule on Regional and National Advance Round Pairings for more information on advancement.)

See the Appendix for a sample competition schedule. It assumes Preliminary Round 1 will be held on the morning of the first day, Preliminary Round 2 in the afternoon of the first day, and the Final Round on the morning of the second day. This schedule, however, is not mandatory and may be varied so long as the time allocation and sequence of events remain the same. Additionally, there must be a minimum of 3 hours between the announcement of the four teams advancing to the Final Round and the start of the Final Round.

Regional hosts may choose to run two Final Rounds simultaneously (which would require 2 rooms and 3 judges per room with one head-to-head negotiation session in each room) or one Final Round with two back-to-back head-to-head negotiation sessions (which would require 1 room and 3 judges). Under either schedule, the winner of each head-to-head negotiation session will be a regional competition Co-Champion and will advance to the national competition.

Notice of the Regional Competition Schedule: Notice of the regional competition schedule must be distributed to all schools assigned to the region and the ABA Chicago headquarters *within one week of the distribution of regional assignments.*

B. National Competition Schedule

The national competition consists of five rounds: two preliminary rounds and three advanced rounds (quarterfinals, semifinals, and the final round). Each team invited to the national competition will negotiate twice, once in Preliminary Round 1 and once in Preliminary Round 2.

After the two preliminary rounds, the top eight teams will advance to the Quarterfinal round. The four winning teams from the quarterfinals will advance to the Semifinal Round.

The two winning teams from the semifinals will advance to the final round. See Rule 15 on Regional and National Advance Round Pairings for more information on advancement.

Normally, the national competition will be held in Chicago in early February. The national competition will typically take place over a Friday and Saturday. These rules may be modified in whole or in part for purposes of the ABA National Negotiation Competition.

Teams advancing to the national competition will receive logistical information such as the schedule, location, facilities, and lodging arrangements approximately two weeks after the last regional competition. Questions concerning the national competition should be directed to the Chicago Office.

C. Required Events at Regional and National Competitions

The following events must take place at each regional competition and at the national competition:

1. Team Orientation Session

The competition administrator must organize one team orientation session prior to Preliminary Round 1. No one other than the student competitors, alternates, coaches, and person(s) conducting the orientation session may attend. The administrator must review the competition schedule, room locations, and procedure for the day. Furthermore, Rule 11(G) (Observers' Attendance During Round) and Rule 19 (Prohibited Communication and Attendance) **MUST** be reviewed with the participants, and participants must be afforded the opportunity to ask questions about logistics and administrative issues. **In adherence with Rule 9(F)), the administrator shall not answer any questions relating to the negotiation problems.**

2. Judges' Briefing Session

Judges must be briefed before each competition round in conformity with the Negotiation Competition Instructions for Briefing Judges (located in the Regional Competition Administrative Guide, which is posted to the Law Student Division website).

3. Conflicts Check

Before each competition round, ALL teams, including teams competing in the second session of the round, must report to their scheduled competition room for a conflicts check with the judges. Absent extraordinary circumstances, a team who fails to appear for a conflicts check will receive a penalty of 5 points per scoring ballot for that round. If there is a conflict, the team failing to appear also will lose the conflicted judges' scoring ballots.

4. Announcement of Preliminary Round Results

A reception or informal gathering must be held following the conclusion of the Preliminary Round 2. At that time, the four teams advancing to the final round at the regional competitions or the eight teams advancing to the quarterfinal round at the national competition will be announced. **After the announcement, the competition administrator must distribute a copy of the tally sheet to each team that indicates all teams' win/loss record, the number of winning/losing ballots, and any necessary tie-breaking procedures.** The coaches will have ten minutes from the distribution of the tally sheet to file a challenge, as described below in Rule 10(C)(5). Administrators must also distribute a copy of the judges' Scoring Ballots to each team at this time; judges will give their written feedback Comment Sheet directly to the teams after each negotiation session/round.

5. 10-Minute Tally Sheet Review Period

Following the distribution of the tally sheet, there will be a 10-minute Tally Sheet Review Period during which teams must raise any mathematical or scrivener errors that may appear. If a mathematical or scrivener error is identified during the Tally Sheet Review Period, corrections shall be made during an open process, before beginning the final round (or quarterfinal round at the national competition). If the computational errors cannot be resolved, the NC Subcommittee representative must be contacted. No other objections or complaints about the competition can be raised during the Tally Sheet Review Period. Once the Tally Sheet Review period expires, all other computational protests are waived.

6. Announcement of Advanced Round Results

a. Announcement of Regional Final Round Results

The regional competition Co-Champions will be announced at the same time following the completion of both final round sessions.

b. Announcement of National Competition Quarterfinal & Semifinal Round Results

The winners of the head-to-head quarterfinal and semifinal rounds sessions will be announced immediately following each round. Four quarterfinal round winners will advance to the semifinal round, and two semifinal round winners will advance to the final round.

c. Announcement of National Competition Final Round Results

The national competition winner will be announced immediately following the final round.

RULE 11. NEGOTIATION SESSION FORMAT

A. General Negotiation Format

The regional competition will consist of three competition rounds; the national competition will consist of five competition rounds. Each head-to-head negotiation session will consist of 75 minutes of active competition, followed by 20 minutes for judges to score the teams, and provide written and oral feedback. The overall negotiation format is as follows:

- Required conflicts check for ALL teams, including teams competing in the second session of a round
- a 10-minute pre-negotiation analysis (5 minutes per team; judges do not ask questions during the pre-negotiation analysis)
- a 50-minute negotiation session (which may include one 5-minute break per team that counts towards the 50 minutes);
- a 5-minute period for teams to analyze their performance in private;
- a 10-minute post-negotiation analysis period (5 minutes per team) in the presence of the judges (judges may ask questions during the post-negotiation analysis);
- a 10-minute period when judges complete their scoring ballot and comment sheet for each team; and
- a 10-minute period when judges give oral feedback to both teams simultaneously (after the oral feedback, the judges should give each team their written Comment Sheets, but should not disclose their scoring ballot to the competitors).

B. Pre-Negotiation Analysis

1. Pre-Negotiation Analysis Process

Prior to the 50-minute negotiation session, each team will have 5 minutes to analyze for the judges how it plans to approach the negotiation. This will take place outside the presence of the opposing team. However, coaches and any other permissible observers for both teams may remain in the room for both pre-negotiation analyses (subject to Rule 19, Prohibited Communication and Attendance). The team with the letter designation closest to the beginning of the alphabet will present first.

2. Pre-Negotiation Analysis Content

During the 5-minute pre-negotiation analysis, teams should directly address the judges and explain the following two items (without being prompted by the judges):

- (a) *What are your client's main interests and goals for the negotiation?* and
- (b) *What is your overall negotiation strategy and why?*

Judges will be instructed not to ask questions during this pre-negotiation session. For scoring purposes, judges may consider anything said during this session.

C. Post-Negotiation Analysis

1. Post-Negotiation Analysis Process

Following the 5-minute preparation for post-negotiation analysis, each team will have 5 minutes to analyze for the judges its performance during the negotiation. This will take place outside the presence of the opposing team. However, coaches and any other permissible observers for both

teams may remain in the room for both self-analyses. The team with the letter designation closest to the beginning of the alphabet will present its post-negotiation analysis first.

2. Post-Negotiation Analysis Content

During the 5-minute post-negotiation analysis, competitors should directly address the judges and answer the following question (without being prompted by the judges):

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?

Judges may ask questions during this post-negotiation session; thus, competitors should be prepared to answer questions from the judges concerning their performance. For scoring purposes, the judges may consider anything said during this session.

D. Breaks During Rounds

Each team may take one break of no more than 5 minutes. The 50-minute negotiating period will continue during any such break. Both teams must leave the room during the break.

E. Timekeeping

One of the judges on each panel must be selected to keep track of the time. However, responsibility rests with the student competitors to adhere to allotted time periods for negotiating sessions and breaks.

Under no circumstance can the actual negotiation, excluding the pre- and post-negotiation analyses and judges' feedback, last longer than 50 minutes. Each half of the negotiation round lasts 1 hour and 35 minutes. The timekeeper judge shall stop the negotiation 50 minutes after the student competitors greet each other, regardless of where students are in the negotiation process.

If volunteers are available, timekeepers may be provided, but no individual identified with a competitor may act as timekeeper in a negotiation involving such competitor. The only exception is if a Host School provides timekeepers for all rooms including those in which its teams compete. Judges need not keep time if a timekeeper is provided.

Decisions by the judges as to elapsed time and as to when the negotiation should end are final and non-reviewable.

Responsibility for timekeeping during the pre- and post-negotiation analyses rests jointly with the competitors and the timekeeping judge, each having the responsibility to terminate the period at the end of 5 minutes.

F. Permissible Team Supplies During Rounds

During a negotiation round, competitors may use the following:

- blank flip charts or black/white boards to write on during the round;
- any handwritten or typed notes, including charts or graphs, only for their own reference; and
- calculators or stopwatches.

No supplies will be provided at the regional competitions or the national competition. Each team must bring all its own materials including flip charts or white boards.

Except for timekeeping or as an approved ABA accommodation, no technological devices may be used, including laptop computers, tablets, mobile phones, smart phones, personal digital assistants, and similar electronic communication devices. Further, any technological device used for an approved purpose must be kept in “airplane mode.”

No prepared materials may be shared with the opposing team or judges during the pre-negotiation analysis, negotiation, or post-negotiation analysis except as specifically authorized by the problem. During the post-negotiation analysis, teams may only reference materials created during the actual negotiation.

G. Observers’ Attendance During Round

See Rule 19 Prohibited Communication and Attendance for full details.

Observers, including coaches, faculty advisors, and guests must avoid all communication with competitors until the end of the completed round, which includes both the 80 minutes of active competition, any breaks taken during the round, and the time for the judges’ feedback. See Rule 19(A).

Because of the potential for disruption of the competition, all observers of a negotiation session are discouraged from leaving the room from the beginning of the pre-negotiation analyses through the end of the post-negotiation analyses. Permitted observers who unavoidably must enter the room late, leave early, or temporarily excuse themselves should do so discreetly and without disruption.

After the completion of both post-negotiation analyses, all competitors and observers must leave the competition room until the judges have completed their Scoring Ballots and written feedback Comment Sheets and are ready to provide oral feedback to the teams, at which time competitors and observers may return to the room.

RULE 12: TEAM IDENTIFICATION AND PRELIMINARY ROUND PAIRINGS

A. Team Identification/Anonymity

The Law Student Division will assign each team a random designation and provide each Host School with the team designations via the sign-in sheet. This method will be the sole method of identifying the team to all competition judges during the competition. Anyone affiliated with a team, including team members, coaches, and observers, may not directly or indirectly divulge, imply, or project an affiliation with any law school to the judges. This means no one associated with a team shall have with them pens, padfolios, folders, class rings, etc. with the school’s name and/or logo on them. Violation of this rule shall result in a penalty, up to and including disqualification.

B. Concerns About Identity of Host School’s Team(s)

The seriousness of this violation is increased if the disclosure is by a team from the Host School. A Host School should endeavor to avoid any appearance of unfairness resulting from hosting the regional competition. For example, seemingly innocent remarks regarding the campus or town may imply affiliation with the school. In addition, a Host School faculty advisor who would be readily identifiable by the judges should avoid letting the judges know to which team the faculty advisor is connected. An appropriate course of action may be to appoint a student coach or faculty or staff member who would not be identifiable to accompany teams from the Host School during the competition.

C. Team Pairings

Both the regional and national competitions will begin with two preliminary rounds. Each preliminary round consists of two individual negotiation sessions. Each team will compete head-to-head against the team in its session. For example, a round could look like this:

- Negotiation Session 1: Teams A & B negotiate. Judges score Teams A & B head-to-head, provide oral feedback, and give the teams their written Comment Sheets.
- Negotiation Session 2: Teams C & D negotiate. The same Judges score Teams C & D head-to-head, provide oral feedback, and give the teams their written feedback Comment Sheets.

Please refer to the pairing schedules in the Appendix.

1. Regional Team Pairings

The Chicago Office will pair the teams for the two preliminary rounds and provide each Host School with the pairings for the regional competition. No team will negotiate against the same team in both the first and second preliminary rounds of the competition.

2. National Team Pairings

The Chicago Office will pair teams randomly for the two preliminary rounds. No team will negotiate against the same team in both the first and second preliminary rounds of the competition. Further, no team will negotiate against another team from its region in the preliminary rounds of the national competition.

RULE 13. COMPETITION JUDGES

A. Number of Judges

Each round should be observed and evaluated by a panel of *no fewer* than three judges, at least two of whom must be lawyers. The professional activities of any non-lawyer judge should regularly involve negotiation. To the extent possible, the Host School is responsible for selecting judges who are experienced and knowledgeable in negotiation skills.

B. Three-Judge Panels

Each room should have three-judge panels, except for the final round, which can have more than three, but should be an odd number to avoid ties.

In the event there is an insufficient number of judges on the day of competition, and there are fewer than three judges in any room, the scores of the two judges must be averaged to create a third score for that room. 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 99.3333 would be 99.33 and a score of 99.6667 would be rounded to 99.67.

In the event of a surplus of judges on the day of competition, BEFORE the round begins the host administrator must randomly choose the judge(s) whose ballots will not count. The selected judges will not be told their ballots will not count, but once they are collected by the host administrators, they will be immediately destroyed. This allows the judges to participate in the competition, provide feedback to teams, and obtain any CLE credit for judging.

C. Judge Eligibility

No member of the faculty (full, part-time, or adjunct), administration, or staff of the Host School shall act as a judge for a team from that person's law 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, no member of the faculty (full, part-time, or adjunct), administration, or staff of the Host School shall act as a judge for the Final Round.

D. Interaction with Judges

Judges shall not interact with the teams during the negotiations; however, they may ask teams questions about the negotiation during that team's post-negotiation analysis.

E. Judges' Feedback

After completing the Scoring Ballots for each head-to-head negotiation session, the judges shall meet with both teams in the same room and at the same time. Judges will have a total of only 10 minutes to provide oral feedback to guide the competitors in furthering their negotiating skills. After the 10-minute oral feedback session, judges should give their written feedback Comment Sheets directly to the teams.

Judges will be encouraged to provide constructive feedback to help promote an inclusive, educational, and positive experience for all competitors and coaches. See the Judging Standards in Appendix A for the full instructions provided to the judges.

RULE 14. SCORING AND JUDGING STANDARDS

A. Scoring and Judging Standards

Teams are evaluated and scored based on the quality of their presentations and not on the merits of the side they represent. The judges will evaluate each head-to-head negotiation session based on 6 criteria, each worth 20 points, for a maximum score of 120 points. The criteria are as follows:

1. Negotiation Planning/Pre-Negotiation Analysis;
2. Flexibility & Adaptation;
3. Outcome of Session;
4. Teamwork;
5. Relationship with Opposing Team; and
6. Post-Negotiation Analysis.

Judges will also determine whether the teams negotiated ethically.

For each judge, the winning team is the team the judge awards the higher number of points, without tying. For each head-to-head negotiation session, the winning team is the team winning the greater number of judges' ballots (either 2 or 3 ballots).

For rounds with more or less than 3 judges, see Rule 13(B) above for creating a third judge's ballot.

B. Collecting Judges' Scoring Ballots and Comment Sheets

After each head-to-head negotiation session, the judges' Scoring Ballots must be collected by the competition administrator *before* the judges give feedback to the teams. The judges may give their Comment Sheets directly to the teams after the judges provide oral feedback.

C. Ranking Teams After Preliminary Rounds for Regional and National Competitions

To determine which teams will advance out of the preliminary rounds, the competition administrator must create a preliminary round tally sheet to track each team's scores. See Appendix D for a sample tally sheet.

Once the Scoring Ballots from both preliminary rounds are collected and entered into the tally sheet, the following criteria shall be used to rank teams and to break ties.

1. Win/loss record (this number will be 0, 1, or 2);
2. Number of judges' ballots won/loss (this number will be between 0 and 6);
3. Previous head-to-head competition (To easily record the head-to-head team outcome, the Competition Administrator should use the team-pairing schedule and highlight the winning team from each room.);
4. Point differential (which is the total number of points by which each team won or lost against its opponents in the two preliminary rounds—the higher the point differential, the higher the team will be ranked);
5. Overall raw score for each round;
6. Higher score for criterion #3 Outcome of Session; and, finally,
7. Random coin toss.

D. Advanced Round Scoring

The regional Final Round and the national Quarterfinal, Semifinal, and Final Rounds will be scored as head-to-head negotiation sessions. The winner of each round, or of each head-to-head negotiation session is determined by the number of judges' ballots each team wins.

E. Scoring for Single-Person Teams for Criteria 4 (Teamwork Score)

In the event of a single-person team, the judge will average criteria 1, 2, 3, 5, and 6, and enter that result (to the nearest whole number) as the teamwork rating on the Scoring Ballot.

F. Distribution of Judges' Scoring Ballots

Each team shall receive a copy of the Scoring Ballots for their team from every round. The competition administrator shall distribute the judges' Scoring Ballots, along with the preliminary round tally sheet to the competitors before the 10-minute Tally Review Period at the conclusion of the two preliminary rounds. One team may receive the original Scoring Ballot while the other receives a copy as long as all of the Scoring Ballots have been scanned to be sent to the ABA after the competition.

RULE 15: REGIONAL AND NATIONAL ADVANCE ROUND PAIRINGS

A. Regional Advancement

1. Advancing to the Regional Final Round

After the two preliminary rounds, the top four teams will advance to the Final Round, without regard to the side previously represented.

For those regional hosts that hold the Final Round in one room with two head-to-head negotiation sessions back-to-back, the first-ranked team will choose whether to negotiate against its opponent during the first or second negotiation session; the other two teams will compete in the other negotiation session.

Unless multiple teams from the same school advance, the first-ranked team will negotiate with the fourth-ranked team, and the second-ranked team will negotiate with the third-ranked team.

- For schools with two teams advancing, those teams must represent the same side of the problem and will not negotiate against each other.
- If three teams from the same school advance, one of the school's three teams will need to represent the opposing side of the problem. That team will be chosen at random. In this situation, the teams with opposing facts are strictly forbidden from communicating their confidential facts to each other in any way, from the moment the facts are distributed to the conclusion of the final round. This rule also applies to the school's coaches and advisors, as well as team members.

2. Identifying Teams Invited to Participate in the National Competition

The winners of each regional Final Round will be a Co-Champion of that region. The two regional Co-Champion will be invited to participate in the national competition. The NC Subcommittee may issue additional invitations.

B. National Advancement

At the end of the second preliminary round, the eight highest-ranking teams will advance to the quarterfinal round. Each of the four quarterfinal winners will advance to the semifinal round. Each of the two semifinal winners will advance to the final round.

The following procedure will be used for team distribution into the quarterfinal rooms. Except as described in the bullet points below, teams will be power-protected based on their ranking after the first two preliminary rounds.

- If two teams from the same law school advance, they will receive the same side of the problem for the quarterfinal and semifinal rounds and opposing facts for the final round.
- If possible, teams who have directly negotiated against each other in either of the preliminary rounds will not be re-matched in the quarterfinal or semifinal rounds.

The Quarterfinal, Semifinal, and Final Round bracket diagram at the end of these Rules provides a visual guide as to how the teams advance and which sides they represent.

RULE 16: MATERIALS HOST MUST SEND TO ABA

The competition administrator shall scan and email the following documents to the Chicago within five days of the end of the competition:

- Scoring Ballots from every negotiation session in every round;
- Tally Sheet showing the scoring/ranking from the two preliminary rounds; and
- Team sign-in sheets.

These documents should be retained by the host administrator for 30 days and at the Chicago Office for up to 90 days. The judges' written Comment Sheets do not need to be sent to the Chicago Office because the judges should hand them directly to the teams at the completion of the judges' oral feedback session.

RULE 17. REPORTING AND RESOLVING COMPLAINTS, VIOLATIONS, AND DISPUTES

A. Process for Filing a Complaint at the Competition

Any violation that may affect the results should be resolved on the day of the competition by the NC Subcommittee. Complaints must be filed as soon as practicable with the host administrator after the completion of the round that is the subject of the complaint. Competitors and faculty advisors/coaches waive the right to appeal any matter arising in the course of a competition round by failing to file a timely objection with the competition administrator. Every effort should be made to file a complaint while the judges are still available for consultation.

During the competition, should a team conclude a host school is not appropriately addressing a reported complaint, violation, or dispute that affects which teams would advance, that team should immediately contact Sara Stretch at the ABA Law Student Division at 312-988-5621.

B. Fact-Gathering Committee

The NC Subcommittee, after learning of a complaint, may request that a small committee be assembled to help gather facts about the issue. The committee would be comprised of 2-3 coaches or faculty advisors from law schools whose teams are not involved on either side of the complaint.

C. Scope of Violations NC Subcommittee May Consider

In general, the NC Subcommittee will not hear any appeal relating to an alleged violation that is within the discretion of the judges.

Rules violations other than those within the judges' discretion. With respect to complaints not related to an alleged ethics violation identified by the judges (including ethical violations discovered later, but not identified by judges), the NC Subcommittee has full discretion to determine appropriate sanctions. In assessing the severity of the penalty, the NC Subcommittee should consider whether the complained of conduct was purposeful or inadvertent and whether it resulted in substantial prejudice affecting the result. Possible dispositions for valid complaints range from reprimands to assessment of penalty points to disqualification.

Potential ethical violations. In the event a judge observes a potential ethical violation, the judge must briefly explain the unethical conduct on the judge's Scoring Ballot, and the competition administrator must contact a member of the NC Subcommittee to discuss the conduct before any sanction can be imposed on a team.

D. Team Disqualification

If the NC Subcommittee disqualifies a team, all teams below the disqualified team shall move up one place in the standings. In the event that the NC Subcommittee assesses a team with penalty points, the penalty points will be subtracted from the affected team's overall score.

E. NC Subcommittee Decisions Final

The decision of the NC Subcommittee will be final. The Host School Administrator must provide the Chicago Office of any complaint, violation, or disputes and their resolution in a post-competition report.

F. Time for Filing Complaints to ABA

Any complaint affecting the final results of a regional competition must be received in writing by the Chicago Office no later than 5:00 p.m. CST on the Tuesday following the end of the competition.

RULE 18. ASSISTANCE

Prior to the competition, a team may receive advice and suggestions from any source, including practicing lawyers, faculty members, and team coaches. During the competition, coaches and faculty advisors may advise, communicate with, and observe their teams only as provided in these Rules.

RULE 19. PROHIBITED COMMUNICATION AND ATTENDANCE

A. Communication

1. Prohibited Communication During a Round

Communications with competitors. No one, including team coaches and other persons associated with a team or competitor, may give advice or instructions to, or attempt to communicate in any other way, including using any form of technology, with any of the competitors during the period from commencement of the pre-negotiation analyses through the completion of the judges' feedback to the teams.

Communications with judges. Team coaches, competitors, and other persons identified with a team or competitor may not speak to a judge from the commencement of the pre-negotiation analyses until the completion of the judges' feedback to the teams. Competitors may respond to questions about the negotiation posed by the judges during the post-negotiation analysis session, but are reminded to only reference materials created during the actual negotiation. Additionally, competitors may not ask questions of the judges during the round until the feedback period, and then only if the judges grant permission.

Communications in the case of multiple teams from the same school. A coach, faculty advisor, or any other person associated with a team who observes a team may communicate with the team immediately after the negotiation session has concluded, i.e., after the judges have provided feedback to the competing teams. If a school has multiple teams competing, once each round has started the coach cannot communicate with each team until after that team has completed the round.

2. Consequences of Engaging in Prohibited Communication

The mere act of communication or receipt of information proscribed by this Rule will constitute a violation, regardless of the substance thereof and regardless of whether initiated by a competitor or by any other person affiliated with a competitor. Violation of this Rule may result in disqualification by the NC Subcommittee (See Rule 19 for procedures). Harmless error will not be a defense to a complaint based on violation of this rule because of the appearance of impropriety occasioned, even by casual exchanges unrelated to the substance of the negotiation.

B. Access to Confidential Information for Both Sides

No one having access to confidential information for both sides may act as a coach or competitor. Similarly, no one having access to confidential information for both sides can share such information with coaches or competitors.

C. Attendance

1. Attending Rounds

Competitors may attend only their scheduled negotiation sessions. No person associated with a competitor, such as coaches, family members, or close friends, may attend a negotiation session other than a session in which that school's teams are involved, until both teams from the school have been eliminated from the competition. Mere membership in a student body does not constitute association with a competitor. If a school has multiple teams participating in the competition, persons identified with those teams (other than the competitors themselves), such as coaches, family members, or others, may attend any of the negotiation sessions in which that school's teams are involved. At all times, it is the competitor's responsibility to comply with Rule 23 and to refuse any attempts at prohibited communication.

Attendance proscribed by this rule will constitute a violation, which may result in disqualification. Please see Rule 19 for procedures.

2. Scouting Prohibited

Scouting in any form is strictly prohibited. Scouting is the observation and sharing of information with a competitor about another team in the competition, during the competition, whether intentional or inadvertent. The responsibility rests on the team to refuse any attempted prohibited communication.

3. Attending Final Round

Teams that have already been eliminated may attend the final round. If there is another team from the same school in the final round, communication between the eliminated team and the participating team is prohibited from the beginning of the final round until the conclusion of the final round, which includes the judges' feedback to the competitors.

If the Final Round at a regional competition consists of having one round with two head-to-head negotiation sessions (like the preliminary rounds), teams competing in the first negotiation session cannot watch the teams competing in the second negotiation session.

RULE 20. VIDEO RECORDING

The Final Round at regional competitions and the national competition Final Rounds may be video recorded. A student's decision to enter and participate in the competition constitutes consent to video recording. As a condition of publication and for no monetary compensation, this consent grants the ABA the nonexclusive worldwide rights to reproduce, distribute, and sell any visual material in connection with the student's participation, in whole or in part, in any media, as part of a course book or any other publication published under the auspices of the ABA and to license these rights to others. Consent also grants the ABA the right to use student's name, voice, and image in connection with the published competition materials.

No video or audio recording by teams or spectators is permitted.

RULE 21. AWARDS

Each registered team member and alternate in the regional competitions will receive a certificate to be awarded at the regional competition. Each Regional Co-Champion will receive a trophy for the school, as well as individual certificates for the team members. These awards will be distributed during the national competition.

The Championship place team at the national competition will receive a trophy for the school, as well as individual certificates for the team members.

RULE 22. EXPENSES

All competition expenses, including lodging, travel, and incidental costs, are the responsibility of the competitors and will not be reimbursed by the ABA Law Student Division.

RULE 23. PROFESSIONAL CONDUCT

In general, the ABA Model Rules of Professional Conduct govern the conduct of all participants including students, faculty advisors, team coaches, administrators, and observers. Thus, everyone who participates in or observes a negotiation competition is expected to uphold the highest level of professionalism during the competition and at all competition-related events.

Although Comment 2 to Model Rule 4.1 (Truthfulness in Statements to Others) explains that a party's intentions as to an acceptable settlement of a claim are ordinarily not taken as statements of material fact, when negotiating, competitors should not misrepresent their authority to settle as expressed in the negotiation problems. Not misrepresenting one's authority upholds the integrity of the competition.

In addition to violations under Rule 17, the NC Subcommittee may consider and sanction any violations of professional conduct during the competition or any competition-related activity. Possible sanctions for violations range from reprimands to loss of rank to revocation of an invitation to the national competition.

RULE 24. RULES INTERPRETATION

The NC Subcommittee, in its sole discretion, shall interpret these Rules and may create additional rules to govern situations not covered by these rules and to ensure fairness in the competition. Its decisions are final.

The Regional Host School Administrators, competition judges, NC Subcommittee members, and Law Student Division staff shall apply these rules during the competitions. Their decisions are final unless properly challenged and reviewed in accord with Rule 17.

RULE 25. ADDITIONAL TERMS AND CONDITIONS

This competition is governed by United States law and all relevant federal, state and local laws and regulations apply. By entering, all participants agree that the competition shall be governed by the laws

of the State of Illinois, that the courts of Illinois shall have exclusive jurisdiction, and that Cook County, Illinois shall be the venue for any dispute or litigation arising to or arising from the competition. This competition is void where prohibited by law.

By participating, each entrant agrees with these Competition Rules and the decisions of the ABA, and releases and discharges the ABA, subsidiary and affiliated entities, and each of their respective officers, directors, members, employees, independent contractors, agents, representatives, successors and assigns (collectively, “Sponsor”) from any and all liability whatsoever in connection with this Competition, including without limitation, legal claims, costs, injuries, losses or damages, demands or actions of any kind (including without limitation personal injuries, death damage to, loss or destruction of property, rights of publicity or privacy, defamation, or portrayal in a false light) (collectively, “Claims”). Except where prohibited, acceptance of a prize constitutes a release by any winner of the Sponsor of any and all Claims in connection with the administration of this Competition and the use, misuse or possession of any prize. Sponsor is not responsible for errors or for lost, late, or misdirected mail or email, or telecommunication or hardware or software failures, including by reason of any bug or computer virus or other failure. Sponsor may cancel, modify or terminate the Competition if it is not capable of completion as planned, including by reason of infection by computer virus, tampering, unauthorized intervention, force majeure or technical difficulties of any kind.

RULE 26. INFORMATION

Questions concerning schedules, facilities, and accommodations for the regional competitions should be directed to the Regional Host School Administrator for each respective region. Questions about the Negotiation Competition in general, rules interpretation, and the national competition should be directed to:

American Bar Association
Law Student Division
Attn: Negotiation Competition
321 North Clark Street
Chicago, Illinois 60654
312-988-5621 or nc@americanbar.org

Competition information is also available on the competition’s web site at www.ambar.org/lsdcompetitions.



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Appendix A
AMERICAN BAR ASSOCIATION LAW STUDENT DIVISION
NEGOTIATION COMPETITION JUDGING STANDARDS

Format/Schedule:

You will score either one or two head-to-head negotiation sessions. Please see the Negotiation Schedule provided for the full details and timing for your round.

Scoring:

- For each head-to-head negotiation session, you will choose a winner by awarding one team a higher score than the other team. There can be no ties.
- For each head-to-head negotiation session, you will score the teams in 6 criteria, each worth 20 points, for a maximum score of 120 points.
- The 6 criteria are as follows:
 1. Negotiation Planning/Pre-Negotiation Analysis
 2. Flexibility & Adaptation
 3. Outcome of Session
 4. Teamwork
 5. Relationship with Opposing Team
 6. Post-Negotiation Analysis (completed after the team conducts its post-negotiation analysis; anything said during the post-negotiation analysis can be considered in scoring the other criteria)
- You will also determine if the teams negotiated ethically. If you observed an ethical violation during a negotiation, you may take the violation into account when scoring that negotiation session.

Score Independently: We ask that each judge score the teams independently. If one or more judges believes an ethical violation may have occurred, the judges may confer among themselves. Please do not discuss your scores with other judges until your Scoring Ballots have been collected.

Scoring Ballots Collected Before Feedback Session

The host administrator will collect your Scoring Ballots BEFORE you give feedback to the teams.

Comment Sheets and Oral Feedback:

In addition to promoting the development of practical lawyering skills, the ABA seeks to promote an inclusive, educational, and positive experience for all competitors and coaches. The ABA appreciates your effort at providing measured, balanced, respectful, and constructive feedback that focuses on the competitor's negotiation skills.

- Each judge should complete a Comment Sheet for each team to indicate two things the team did well and two areas for improvement.
- After your Scoring Ballots have been collected, judges will have 10 minutes total, to provide oral feedback to both teams in the room at the same time.
- During that oral feedback session, please do not tell teams which team “won” your ballot.
- At the conclusion of the oral feedback session, please give your written Comment Sheets directly to the respective teams.
- Please refrain from making positive or negative comments on items that do not directly relate to the skills that the competition is seeking to promote, such as,
 - Comments on a competitor's appearance (including clothing, hair, and facial appearance);
 - Comments on a competitor's accent, disability, or speech impediment;
 - Comments on religious clothing or jewelry;
 - Comments related to gender, gender identity, or gender expression; or
 - Comments on a competitor's name or surname.

The judging criteria do NOT presume one “correct” approach to effective negotiation: The strategies and techniques used will vary with 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

- 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 or an agreement to negotiate further.

Appendix B: ABA Negotiation Competition Scoring Ballot

Team Letter: Student #1: Student #2:	JUDGE'S NAME: CIRCLE ROUND: PRELIM 1 PRELIM 2 FINAL	Team Letter: Student #1: Student #2:										
(max 20 pts)	1. NEGOTIATION PLANNING/PRE-NEGOTIATION ANALYSIS Including the pre-negotiation analysis, the team was prepared based on its performance and strategy. <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Poor</td> <td style="text-align: center;">Marginal</td> <td style="text-align: center;">Average</td> <td style="text-align: center;">Good</td> <td style="text-align: center;">Excellent</td> </tr> <tr> <td style="text-align: center;">1 2 3 4</td> <td style="text-align: center;">5 6 7 8</td> <td style="text-align: center;">9 10 11 12</td> <td style="text-align: center;">13 14 15 16</td> <td style="text-align: center;">17 18 19 20</td> </tr> </table>	Poor	Marginal	Average	Good	Excellent	1 2 3 4	5 6 7 8	9 10 11 12	13 14 15 16	17 18 19 20	(max 20 pts)
Poor	Marginal	Average	Good	Excellent								
1 2 3 4	5 6 7 8	9 10 11 12	13 14 15 16	17 18 19 20								
(max 20 pts)	2. FLEXIBILITY & ADAPTATION The team was able to be flexible/adapt its strategy to new information or other team's approach. <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Poor</td> <td style="text-align: center;">Marginal</td> <td style="text-align: center;">Average</td> <td style="text-align: center;">Good</td> <td style="text-align: center;">Excellent</td> </tr> <tr> <td style="text-align: center;">1 2 3 4</td> <td style="text-align: center;">5 6 7 8</td> <td style="text-align: center;">9 10 11 12</td> <td style="text-align: center;">13 14 15 16</td> <td style="text-align: center;">17 18 19 20</td> </tr> </table>	Poor	Marginal	Average	Good	Excellent	1 2 3 4	5 6 7 8	9 10 11 12	13 14 15 16	17 18 19 20	(max 20 pts)
Poor	Marginal	Average	Good	Excellent								
1 2 3 4	5 6 7 8	9 10 11 12	13 14 15 16	17 18 19 20								
(max 20 pts)	3. OUTCOME OF SESSION Regardless of whether an agreement was reached, the outcome served the client's goals. <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Poor</td> <td style="text-align: center;">Marginal</td> <td style="text-align: center;">Average</td> <td style="text-align: center;">Good</td> <td style="text-align: center;">Excellent</td> </tr> <tr> <td style="text-align: center;">1 2 3 4</td> <td style="text-align: center;">5 6 7 8</td> <td style="text-align: center;">9 10 11 12</td> <td style="text-align: center;">13 14 15 16</td> <td style="text-align: center;">17 18 19 20</td> </tr> </table>	Poor	Marginal	Average	Good	Excellent	1 2 3 4	5 6 7 8	9 10 11 12	13 14 15 16	17 18 19 20	(max 20 pts)
Poor	Marginal	Average	Good	Excellent								
1 2 3 4	5 6 7 8	9 10 11 12	13 14 15 16	17 18 19 20								
(max 20 pts)	4. TEAMWORK Team members worked together, shared responsibility, communicated, and provided mutual support. <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Poor</td> <td style="text-align: center;">Marginal</td> <td style="text-align: center;">Average</td> <td style="text-align: center;">Good</td> <td style="text-align: center;">Excellent</td> </tr> <tr> <td style="text-align: center;">1 2 3 4</td> <td style="text-align: center;">5 6 7 8</td> <td style="text-align: center;">9 10 11 12</td> <td style="text-align: center;">13 14 15 16</td> <td style="text-align: center;">17 18 19 20</td> </tr> </table>	Poor	Marginal	Average	Good	Excellent	1 2 3 4	5 6 7 8	9 10 11 12	13 14 15 16	17 18 19 20	(max 20 pts)
Poor	Marginal	Average	Good	Excellent								
1 2 3 4	5 6 7 8	9 10 11 12	13 14 15 16	17 18 19 20								
(max 20 pts)	5. RELATIONSHIP WITH OPPOSING TEAM Team worked well with opposing team to contribute and not detract from achieving client's best interests. <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Poor</td> <td style="text-align: center;">Marginal</td> <td style="text-align: center;">Average</td> <td style="text-align: center;">Good</td> <td style="text-align: center;">Excellent</td> </tr> <tr> <td style="text-align: center;">1 2 3 4</td> <td style="text-align: center;">5 6 7 8</td> <td style="text-align: center;">9 10 11 12</td> <td style="text-align: center;">13 14 15 16</td> <td style="text-align: center;">17 18 19 20</td> </tr> </table>	Poor	Marginal	Average	Good	Excellent	1 2 3 4	5 6 7 8	9 10 11 12	13 14 15 16	17 18 19 20	(max 20 pts)
Poor	Marginal	Average	Good	Excellent								
1 2 3 4	5 6 7 8	9 10 11 12	13 14 15 16	17 18 19 20								
(max 20 pts)	6. POST-NEGOTIATION ANALYSIS Team learned from today's negotiation. (Scored after each team's individual post-analysis.) <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Poor</td> <td style="text-align: center;">Marginal</td> <td style="text-align: center;">Average</td> <td style="text-align: center;">Good</td> <td style="text-align: center;">Excellent</td> </tr> <tr> <td style="text-align: center;">1 2 3 4</td> <td style="text-align: center;">5 6 7 8</td> <td style="text-align: center;">9 10 11 12</td> <td style="text-align: center;">13 14 15 16</td> <td style="text-align: center;">17 18 19 20</td> </tr> </table>	Poor	Marginal	Average	Good	Excellent	1 2 3 4	5 6 7 8	9 10 11 12	13 14 15 16	17 18 19 20	(max 20 pts)
Poor	Marginal	Average	Good	Excellent								
1 2 3 4	5 6 7 8	9 10 11 12	13 14 15 16	17 18 19 20								
YES—ethical NO—not ethical	NEGOTIATING ETHICS—CIRCLE ONE Did team observe ethical standards? Examples of potential ethical violations include: misrepresenting material facts, exceeding authority, or inventing self-serving facts. If a team violated an ethical standard, please provide a brief explanation on the reverse side of this Scoring Ballot.	YES—ethical NO—not ethical										
Total (max 120 pts)	PLEASE INDICATE THE WINNING TEAM'S LETTER (No ties):	Total (max 120 pts)										

Negotiation Tally Sheet

*Enter each individual judge's vote (W / L) on the top side of the diagonal; and the score from that judge's score sheets in the bottom of the diagonal.

**Mark an overall W or L for each round based on the number of judge ballots won (2 or more ballots = W). There should be an equal number of Ws and Ls for each round.

*** The total number of points by which each team won or lost against its opponents in the two preliminary rounds--the higher the point differential, the higher the team will be ranked

	Round 1 Votes						Round 2 Votes						Preliminary Totals		
Team Letter	Judge 1* W/L / Score	Judge 2 W/L / Score	Judge 3 W/L / Score	Overall Wins/Points	Round 1 Win/Loss**	Differential*** (+/-)	Judge 1 W/L / Score	Judge 2 W/L / Score	Judge 3 W/L / Score	Overall Wins/Points	Round 2 Winners**	Differential*** (+/-)	Rounds Won (0 or 2)	Total Judge Ballots(0-6)	Differential
A															
B															
C															
D															
E															
F															
G															
H															
I															
J															
K															
L															

	Round 1 Votes						Round 2 Votes						Preliminary Totals		
Team Letter	Judge 1* W/L / Score	Judge 2 W/L / Score	Judge 3 W/L / Score	Overall Wins/Points	Round 1 Win/Loss**	Differential*** (+/-)	Judge 1 W/L / Score	Judge 2 W/L / Score	Judge 3 W/L / Score	Overall Wins/Points	Round 2 Winners**	Differential*** (+/-)	Rounds Won (1 or 2)	Total Judge Ballots (1-6)	Differential
M															
N															
O															
P															
Q															
R															
S															
T															
U															
V															
W															
X															

Appendix E
NEGOTIATION COMPETITION SAMPLE SCHEDULE

Regional Competition Schedule: Day 1 Morning

- 8:00–8:30 Team check-in & hospitality room
- 8:30–8:50 Judges' orientation & mandatory Team Orientation
- 8:50–9:00 Judges move to assigned rooms. All teams must report to their assigned rooms for a mandatory conflicts check.
- 9:00–9:10 Two successive 5-minute Pre-Negotiation Analyses (no questions from the judges)
Team with letter designation closest to beginning of alphabet goes first.
- 9:10–10:00 Negotiation. Each side may take one 5-minute break during this 50-minute period; a break will not extend the 50-minute negotiation. Both teams must leave the room during a break.
- 10:00–10:05 Preparation for Post-Negotiation Analysis. Judges may begin filling out Scoring Ballots sections 1-5.
- 10:05–10:15 Two successive 5-minute Post-Negotiation Analyses (judges may ask questions)
The team with the letter designation closest to the beginning of the alphabet goes first.
- 10:15–10:25 Judges complete Scoring Ballots and Comment Sheets. Scoring Ballots must be collected *before* judges give feedback to the teams; judges will keep their Comment Sheets.
- 10:25–10:35 Judges provide oral feedback on the negotiation to both teams at the same time. Judges give their Comment Sheets directly to the teams *after* the oral feedback session.
- 10:40–10:45 Break. Two new teams set up for another negotiation session.
- 10:45–10:55 Two successive 5-minute Pre-Negotiation Analyses. Team with letter designation closest to beginning of alphabet goes first.
- 10:55–11:45 Negotiation. Each side may take one 5-minute break during this 50-minute period; a break will not extend the 50-minute negotiation. Both teams must leave the room during a break.
- 11:45–11:50 Preparation for Post-Negotiation Analysis. Judges may begin filling out Scoring Ballots sections 1-5.
- 11:50–12:00 Two successive 5-minute Post-Negotiation Analyses. The team with the letter designation closest to the beginning of the alphabet goes first.
- 12:00–12:10 Judges complete Scoring Ballots and Comment Sheets. Scoring Ballots must be collected *before* judges give feedback to the teams; they will keep their Comment Sheets.
- 12:10–12:20 Judges provide oral feedback on negotiation to both teams at the same time. Judges give their written feedback Comment Sheets directly to the teams *after* the oral feedback session.

Break for lunch

Regional Schedule: Day 1 Afternoon

- 2:00–2:20 Judges' orientation
- 2:20–2:30 Judges move to assigned rooms. All teams must report to their assigned rooms for a mandatory conflicts check.
- 2:30–2:40 Two successive 5-minute Pre-Negotiation Analyses (no questions from the judges)
Team with letter designation closest to beginning of alphabet goes first.
- 2:40–3:30 Negotiation. Each side may take one 5-minute break during this 50-minute period; a break will not extend the 50-minute negotiation. Both teams must leave the room during a break.
- 3:30–3:35 Preparation for Post-Negotiation Analysis. Judges may begin filling out Scoring Ballots sections 1-5.
- 3:35–3:45 Two successive 5-minute Post-Negotiation Analyses (judges may ask questions)
The team with the letter designation closest to the beginning of the alphabet goes first.
- 3:45–3:55 Judges complete Scoring Ballots and Comment Sheets. Scoring Ballots must be collected *before* judges give feedback to the teams; judges will keep their Comment Sheets.
- 3:55–4:05 Judges provide oral feedback on the negotiation to both teams at the same time. Judges give their Comment Sheets directly to the teams *after* the oral feedback session.
- 4:05–4:15 Break. Two new teams set up for another negotiation session.
- 4:15–4:25 Two successive 5-minute Pre-Negotiation Analyses. Team with letter designation closest to beginning of alphabet goes first.
- 4:25–5:15 Negotiation. Each side may take one 5-minute break during this 50-minute period; a break will not extend the 50-minute negotiation. Both teams must leave the room during a break.
- 5:15–5:20 Preparation for Post-Negotiation Analysis. Judges may begin filling out Scoring Ballots sections 1-5.
- 5:20–5:30 Two successive 5-minute Post-Negotiation Analyses. The team with the letter designation closest to the beginning of the alphabet goes first.
- 5:30–5:40 Judges complete Scoring Ballots and Comment Sheets. Scoring Ballots must be collected *before* judges give feedback to the teams; they will keep their Comment Sheets.
- 5:40–5:50 Judges provide oral feedback on negotiation to both teams at the same time. Judges give their written feedback Comment Sheets directly to the teams *after* the oral feedback session.
- Break for refreshments, scoring, and announcement of preliminary round results.***
- 6:30–8:00 Announcement of Advancing Teams

Regional Schedule: Day 2 Morning

- 8:30–8:50 Judges' orientation
- 8:50–9:00 Judges move to assigned rooms. All teams must report to their assigned rooms for a mandatory conflicts check.
- 9:00–9:10 Two successive 5-minute Pre-Negotiation Analyses (no questions from the judges)
Team with letter designation closest to beginning of alphabet goes first.
- 9:10–10:00 Negotiation. Each side may take one 5-minute break during this 50-minute period; a break will not extend the 50-minute negotiation. Both teams must leave the room during a break.
- 10:00–10:05 Preparation for Post-Negotiation Analysis. Judges may begin filling out Scoring Ballots sections 1-5.
- 10:05–10:15 Two successive 5-minute Post-Negotiation Analyses (judges may ask questions)
The team with the letter designation closest to the beginning of the alphabet goes first.
- 10:15–10:25 Judges complete Scoring Ballots and Comment Sheets. Scoring Ballots must be collected *before* judges give feedback to the teams; judges will keep their Comment Sheets.
- 10:25–10:35 Judges provide oral feedback on the negotiation to both teams at the same time. Judges give their Comment Sheets directly to the teams *after* the oral feedback session.
- 10:40–10:45 Break. Two new teams set up for another negotiation session.
- 10:45–10:55 Two successive 5-minute Pre-Negotiation Analyses. Team with letter designation closest to beginning of alphabet goes first.
- 10:55–11:45 Negotiation. Each side may take one 5-minute break during this 50-minute period; a break will not extend the 50-minute negotiation. Both teams must leave the room during a break.
- 11:45–11:50 Preparation for Post-Negotiation Analysis. Judges may begin filling out Scoring Ballots sections 1-5.
- 11:50–12:00 Two successive 5-minute Post-Negotiation Analyses. The team with the letter designation closest to the beginning of the alphabet goes first.
- 12:00–12:10 Judges complete Scoring Ballots and Comment Sheets. Scoring Ballots must be collected *before* judges give feedback to the teams; they will keep their Comment Sheets.
- 12:10–12:20 Judges provide oral feedback on negotiation to both teams at the same time. Judges give their written feedback Comment Sheets directly to the teams *after* the oral feedback session.

Break for lunch, scoring, and announcement of Final Round results.

Appendix F
AMERICAN BAR ASSOCIATION LAW STUDENT DIVISION
NEGOTIATION COMPETITION

20-Team Pairing Schedule

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

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

<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

INSTRUCTIONS: When assigning team designations, start with schools that have three teams in the competition, followed by schools with two teams in the competition.

3-Team Designations. If schools have three teams in the competition, those teams should be randomly assigned to the following team designations.

Side 1 Teams: A, G, I / E, O, Q / K, M, S

Side 2 Teams: B, F, L / H, N, T / J, P, R

If more than six schools have three teams in the competition, all team designations should be assigned by random drawing.

2-Team Designations. If schools have two teams in the competition, those teams should be randomly assigned to the following team designations, if they were not previously assigned to a 3-team school.

Side 1 Teams: A, G / C, I / E, K / M, S / O, Q

Side 2 Teams: B, L / D, F / H, R / J, P / N, T

Appendix G
AMERICAN BAR ASSOCIATION LAW STUDENT DIVISION
NEGOTIATION COMPETITION
22-Team Pairing Schedule

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

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

Round 2						
Session 1	Teams M & R	Teams Q & J	Teams E & B	Teams U & F	Teams A & V	Teams I & N
Session 2	Teams G & T	Teams C & P	Teams S & H	Teams K & D	Teams O & L	OPEN

<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

*Judges assigned to rooms with only one negotiation, may do one of the following:

1. Leave, as they have completed judging in their assigned room, OR
2. Be placed in another room for Session 2 with two caveats:
 - a. They have not judged the teams before AND
 - b. If there are already 3 judges in a room for Session 2 and BEFORE Session 2 begins, the Host Administrator must randomly select one or more judges whose ballots will not count so that only 3 judges' scores will be included in scoring.

INSTRUCTIONS: When assigning team designations, start with schools that have three teams in the competition, followed by schools with two teams in the competition.

3-Team Designations. If schools have three teams in the competition, those teams should be randomly assigned to the following team designations. Team designation groups should be assigned in the order listed.

Side 1 Teams: C, E, K / M, S, U / A, G, I
 Side 2 Teams: B, F, L / P, R, V / D, H, J

2-Team Designations. If schools have two teams in the competition, those teams should be randomly assigned to the following team designations, if they were not previously assigned to a 3-team school. Team designation groups should be assigned in the order listed.

Side 1 Teams: A, G / C, E / I, O / K, M / S, U
 Side 2 Teams: B, L / D, J / H, V / N, T / P, R

Appendix H
AMERICAN BAR ASSOCIATION LAW STUDENT DIVISION
NEGOTIATION COMPETITION

24-Team Pairing Schedule

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

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

Round 2

Session 1	Teams E & J	Teams I & N	Teams M & R	Teams Q & V	Teams U & B	Teams A & F
Session 2	Teams S & P	Teams W & D	Teams C & X	Teams G & L	Teams K & H	Teams O & T

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

INSTRUCTIONS: When assigning team designations, start with schools that have three teams in the competition, followed by schools with two teams in the competition.

3-Team Designations. If schools have three teams in the competition, those teams should be randomly assigned to the following team designations. Team designation groups should be assigned in the order listed.

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

2-Team Designations. If schools have two teams in the competition, those teams should be randomly assigned to the following team designations, if they were not previously assigned to a 3-team school. Team designation groups should be assigned in the order listed.

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

Appendix I
AMERICAN BAR ASSOCIATION LAW STUDENT DIVISION
NEGOTIATION COMPETITION

National Competition Team Pairings

Round 1 (Friday morning)/Round 2 (Friday afternoon)

The Chicago Office will pair teams randomly for the two preliminary rounds. No team will negotiate against the same team in both the first and second preliminary rounds of the competition. Further, no team will negotiate against another team from its region in the preliminary rounds of the national competition.

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

Round 2

Session 1	Teams M & J	Teams I & R	Teams A & F	Teams Q & B	Teams E & N
Session 2	Teams G & T	Teams O & D	Teams S & P	Teams K & H	Teams C & L

Quarterfinal (Saturday morning; 8 teams/4 rooms)

- Top 8 teams advance.
- Top 4 teams will be placed in 4 different rooms, based on rank. (See diagram)
- Except as described in the bullet points below, teams will be power-protected based on their ranking after the first two preliminary rounds.
 - If two teams from the same law school advance, they will receive the same side of the problem for the quarterfinal and semifinal rounds. and opposing facts for the final round.
 - If possible, teams who have directly negotiated against each other in either of the preliminary rounds will not be re-matched in the quarterfinal or semifinal rounds.

Semifinal Round (Saturday afternoon; 4 teams/2 Rooms)

The winner from room 1 will compete against the winner from room 2. The winner from room 3 will compete against the winner from room 4.

Final Round (Saturday afternoon; 2 teams)

Teams must keep the Final Round side assigned during the Semifinal Round.

National Competition Quarterfinal, Semifinal, and Final Round Brackets

Side Seed Quarterfinal Teams Semifinal Teams Final Teams

Room 1

Quarters-Side 1 1) _____

Semis-Side 1 _____

Quarters-Side 2 8) _____

..... Finals-Side 1 _____

Room 2

Quarters-Side 1 5) _____

Semis-Side 2 _____

Quarters-Side 2 4) _____

=====
Room 3

Quarters-Side 1 2) _____

Semis-Side 1 _____

Quarters-Side 2 7) _____

..... Finals-Side 2 _____

Room 4

Quarters-Side 1 6) _____

Semis-Side 2 _____

Quarters-Side 2 3) _____