2010 ROBERT R. MERHIGE, JR.
NATIONAL ENVIRONMENTAL NEGOTIATION COMPETITION

RULES OF COMPETITION

TEAMS: Each school may send up to two teams. Each team should be comprised of two members.

NEGOTIATION FORMAT: Two weeks before the competition (Friday, Mar. 12), each team will be sent the negotiation problem. The problem will consist of:

1. A common set of facts known by all participants;
2. Confidential information known only to participants representing a particular side.

Some legal background material might also be provided to aid participants in their preparation. Competitors must limit the scope of their preparation to consideration of the materials presented in the problem. Judges will have access to all materials provided to participants. The judges will be instructed to penalize competitors for any reference to other sources during negotiation.

Each negotiation round will be structured as follows:

Thirty-Five Minutes: Negotiation session, inclusive of one break (maximum five minutes) that may be called by either team.

Five Minutes: Preparing for self-analysis (outside the presence of judges)

Five Minutes: Self-analysis by team #1 (outside the presence of opposing counsel)

Five Minutes: Self-analysis by team #2 (outside the presence of opposing counsel)

Ten Minutes: Judges’ critique of both teams

Additional breaks can be taken, but all time periods continue to run during all breaks. Coaches electing to observe the round shall not be permitted to leave the room until all negotiating sessions, breaks and self-critiques have been completed. To avoid the appearance of impropriety, competitors are prohibited from talking with anyone for any reason except opposing and co-counsel until the judges’ critique is completed.

Responsibility for timekeeping rests with the competitors and the judges. No individual with a participant may act as a timekeeper in a round involving such participant.
SELF-ANALYSIS: Following the five minute preparation for self-analysis, each team has ten minutes in which to analyze their performance for the judges. This takes place outside the presence of the opposing team. *Each team should be prepared to provide insight into their negotiation session as well as an awareness of means to enhance effectiveness in future negotiations.* In addition to self-analysis, the judges may consider anything said during this session when scoring any of the categories. To determine which team will perform the self-analysis first, the teams may decide amongst themselves or the judge will conduct a coin toss.

REFERENCE SOURCES/VISUAL AIDS: Each team may bring any non-living source or tool of presentation with them into the round. However, any visual aid(s) or source(s) used by a team in their self-analysis must have been utilized by that team as part of their negotiation strategy during the original twenty-five minute negotiation session. This means that the opposing team must have had an opportunity to respond to this source during the original session.

AMBIGUITY CLARIFICATION: To clarify potential ambiguities in the rounds, there will be an ambiguity session prior to each round. All competitors representing a particular side shall meet together and be afforded the opportunity to ask questions concerning any perceived ambiguities in the problem. Only the student competitors shall be permitted to attend the ambiguity session. *The ambiguity session will address any questions deemed appropriate by the persons conducting the ambiguity session. No questions concerning perceived ambiguities will be addressed until the ambiguity session.*

Because teams representing each side will meet separately, if one group raises an ambiguity that exists in the general background information (i.e., information known by both sides) then the clarification will be communicated to the other group and the judges. The people conducting the ambiguity session shall have complete discretion in clarifying any ambiguities.

JUDGES: Each round shall be observed and evaluated by a panel of judges which may include non-lawyers. These judges will evaluate the performance of the competitors according to the criteria provided. Judges will be knowledgeable and experienced in environmental and/or negotiation skills.

PERMISSIBLE ASSISTANCE: *The team coach may advise the team in its preparation for the competition. No one, including coaches, may attempt to communicate in any way with any of the competitors during the period from commencement of the competitors’ initial negotiation session through the completion of the self-analysis session for that round.*

*The bare act of communication or receipt of information prescribed by this rule shall constitute a violation, regardless of the substance thereof and regardless of whether initiated by a participant or anyone else.* Harmless error shall not be a defense to a violation of this rule due to the appearance of impropriety occasioned by even casual exchanges unrelated to the substances of the negotiation.
ATTENDANCE AT ROUNDS: Spectators are only permitted during final rounds. Coaches may attend only the negotiation rounds in which their school is participating.

TEAM IDENTIFICATION: The names of the competitors’ schools are not to be divulged to the judges until the scores have been submitted to a competition official. If a judge asks a team member which school they represent, the member should respond “The rules do not permit the divulging of this information until this competition round is completed.” Each team will be assigned a random team designation for identification purposes.

FAILURE OF A REGISTERED TEAM TO SHOW ON A DAY OF THE COMPETITION: There is the possibility that, due to an emergency, a team will not show on the day of the competition. In this event, the competition co-chairs will insert a “ghost team” composed of University of Richmond Client Counseling and Negotiation Board Members familiar with the facts of the appropriate side to compete in the place of the team failing to show. The judges will not be made aware of the existence of a “ghost team.” For this reason, the “ghost team” will be scored; however, their scores will not be tabulated. Furthermore, a registered team cannot lose to a “ghost team.” The Client Counseling and Negotiation Board may, in their discretion, pursue another option in replacing a team which has failed to show.

VIOLATIONS: Any violation that may affect the results shall be resolved by a panel of at least two, and not more than three, of the present competition judges convened by the co-chairs of the competition. To avoid any conflict of interest, the co-chair(s) will only present the complaint to the panel and will not participate in any decision of the panel. Competitors and coaches waive the right to appeal any matter arising in the course of a competition round by failing to note an objection with one of the co-chairs within ten minutes of the conclusion of the judges’ critique in the competition round in which facts giving rise to the matter occur. The review panel will be convened as quickly as possible and prior to the subsequent round.

PAIRING ROUNDS: Round One’s pairings will be randomly done. Round Two will also be matched randomly. First Round winners will face other first round winners whereas teams losing in round one will face other first round losers.

SCORING PROCEDURES: Scoring will be used to determine advancement of teams to the Semi-Final Round. For additional insight, please consult the sample scoring sheet.

(1) The judges’ ratings for each category will be averaged
(2) The category averages will be totaled
(3) The Round One and Round Two scores will be added

NON-AGREEMENT: Competitors and judges shall be aware that they will be evaluated according to whether the outcome of their session serves their clients’ goals, regardless of whether or not an agreement has been reached.
ADVANCEMENT TO SEMI-FINAL ROUNDS: The top eight teams advance to the semi-final round. Factors determining placement (in order of consideration) will be:

(1) Win/Loss Record
(2) Total Score
(3) Calculation of the competitors margins of victory or defeat

ADVANCEMENT TO FINAL ROUNDS: Semi-final round competition will be head to head elimination with four teams advancing to the final rounds.

FINAL ROUNDS: The Final Round judges will cooperatively evaluate the finalist teams in rank order, first through forth.

JURISDICTION: Jurisdiction and applicable law will be determined by the facts as written.

THESE RULES ARE ADAPTED FROM THE AMERICAN BAR ASSOCIATION LAW STUDENT DIVISION RULES OF THE NEGOTIATION COMPETITION, USED WITH PERMISSION.