



**AUSTRALIAN
LAW STUDENTS'
ASSOCIATION**

**SIR LAURENCE STREET
NEGOTIATION
CHAMPIONSHIP RULES**

ALSA CONFERENCE

1. COMPETITION NAME

- 1.1 The competition shall be known as the “ALSA Sir Laurence Street Negotiation Championship”.

2. TEAMS

- 2.1 Each law school in Australia whose Law Student Society is affiliated with ALSA may nominate one team to compete in the Championship.
- 2.2 Any international law school may at ALSA’s invitation nominate a team to compete in the Championship.
- 2.3 Any law school in Australia whose Law Student Society is not affiliated with ALSA may at ALSA’s invitation nominate a team to compete in the Championship. Law schools include faculties, divisions or departments of law, or admitting authorities, which offer a law degree or equivalent qualification for admission to legal practice.
- 2.4 Each team must consist of 2 members.
- 2.5 Team members must not have completed a law degree or equivalent qualification for legal practice in any jurisdiction.
- 2.6 Teams must register by the registration date as set by the Conference Convenor and ALSA President. Penalties apply for late registration.

3. COMPETITION STRUCTURE

- 3.1 The Championship consists of three preliminary rounds, quarter finals, semi finals and a grand final.
- 3.2 Preliminary Round Procedures
 - 3.2.1 If an even number of teams enter the Championship, all teams compete in all the preliminary rounds.
 - 3.2.2 If an odd number of teams enter the Championship, one bye per round is declared. The bye is allocated randomly. A team with a bye will be awarded the average mark scored by that team in the other rounds for the bye.
 - 3.2.3 Opposing sides are randomly matched by the Conference Team.
 - 3.2.4 No team negotiates against the same team more than once during the preliminary rounds of the Championship.
- 3.3 At the end of the preliminary rounds, each team’s score is totalled and their win/loss ratio calculated. The eight teams with the highest win-loss ratios are the quarter-finalists.
 - 3.3.1 In the event that two teams only have tied win-loss ratios, and the two teams have faced each other in the preliminary rounds, then the winner of that round shall proceed to the quarter-finals.

3.3.2 If the two teams referred to in 3.3.1 have not faced each other, or there are more than two teams with tied win-loss ratios, the team or teams will progress on the basis of the highest average winning margin.

3.3.3 If the teams remained tied, the teams will progress based on a coin toss conducted by the Competitions Director.

3.4 Finals Procedures

3.4.1 The draw for the quarter finals is as follows (where Team One is the highest placed team and Team Eight is the lowest placed team):

Round	Team	v	Team
A	One		Eight
B	Two		Seven
C	Three		Six
D	Four		Five

Teams will be allocated to sides by random draw.

3.4.2 The winner of each quarter-final progresses to the semi-finals.

3.4.3 The draw in the semi finals is:

The winner of Round A versus the winner of Round D.

The winner of Round B versus the winner of Round C.

Teams will be allocated to sides by random draw.

3.4.4 The winner of each semi-final progresses to the grand final.

3.4.5 Semi and grand finalists are notified on the day that the previous round takes place.

3.5 The winner of the final shall be announced at the closing dinner.

4. THE AUSTRALIAN CLIENT INTERVIEWING AND NEGOTIATION COMPETITIONS COMMITTEE

4.1 The Australian Client Interviewing and Negotiation Competitions Committee ("The Committee") that organised the Australian Negotiation Competition prior to 2006 will assist in the amalgamation of that competition into the Championship.

4.2 The Committee consists of faculty representatives from at least six Australian law schools involved in the Championship.

4.3 The Committee will promote law school awareness and involvement in the Championship.

- 4.4 The Committee will assist the ALSA organisers in the coordination, scenario formulation and judging of the Championship and in maintaining the quality and continuity of the competition at national and international levels.

5. RELEASE OF QUESTIONS

5.1 Release of Preliminary Round Questions

- 5.1.1 Each LSS President and ALSA Representative shall receive an email containing the negotiation scenario three weeks before the negotiation to forward to the team representing their university. Common facts will also be posted on the ALSA website.
- 5.1.2 The scenarios involve two sets of information: first, a common set of facts known by all participants, and, second, additional confidential information known only to the teams representing a particular side in the negotiation.
- 5.1.3 Legal background material may also be provided to participants.

5.2 Release of Final Round Questions

- 5.2.1 Quarter-finalists will be announced after the preliminary rounds.
- 5.2.2 The questions for the final rounds will be released after the preliminary rounds.
- 5.2.3 Any relevant materials for the final round questions will be released three weeks prior to the commencement of the Conference.

6. FACULTY ADVISERS

- 6.1 Teams may appoint a Faculty Adviser. A Faculty Adviser is a staff representative who may assist a team prior to the Championship. A Faculty Adviser is not permitted to assist the team during the Championship.

7. PREPARATION

- 7.1 No one, including Faculty Advisers, may attempt to communicate in any way with any of the participants during a round, from the beginning of the participants' negotiation session to the completion of the last self-analysis period of the round.
- 7.1.1 If a team mistakenly receives material meant for another team they must report the occurrence immediately to the organisers who will decide on an equitable course of action.
- 7.1.2 Subject to 7.1.1, the mere act of communication or receipt of information proscribed by this rule constitutes a breach of the rules, regardless of the substance thereof and regardless of whether initiated by a participant or by any other person.
- 7.2 Breach of 7.1, 7.1.1 or 7.1.2 results in disqualification.

7.2.1 Innocent mistake is not a defence to a complaint based on breach of this rule; even casual exchanges unrelated to the substance of the negotiation are enough to breach 7.1, 7.1.1 or 7.1.2.

7.3 The law to be applied in the Championship is the applicable law for the jurisdiction in which the Conference is held.

7.3.1 Every effort will be made to construct problems in a way that does not disadvantage or advantage participants from any particular jurisdiction.

8. JUDGING

8.1 Where a faculty adviser is serving as a judge, s/he may not judge a round containing a team from that adviser's school.

8.2 Each preliminary round is observed and evaluated by a single judge

8.3 Each quarter final is observed and evaluated by a single judge or a panel of three judges.

8.4 Each semi and grand final is observed and evaluated by a panel of three judges.

8.5 Judges will be judges, magistrates, legal practitioners, legal academics, professionals with negotiation experience or others with a demonstrated experience in negotiation competitions.

8.6 Judges have access to all simulation materials provided to participants.

8.7 The judge(s) will evaluate the performance of the participants according to the criteria provided.

8.8 Determining the winner where multiple judges

8.8.1 If there is a panel of judges judging the round, the winning team is the team which was the superior team in the opinion of the majority of judges, irrespective of the result derived from the aggregate of the teams' scores. Note that the scoring method for this competition is such that a lower score is a better score.

Example	Team A score	Team B score	Winner in judge's opinion
Judge 1	20	23	Team A
Judge 2	20	23	Team A
Judge 3	27	20	Team B

Winner determined under this rule

TOTAL	67	66	Team A
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The winner of the example round is Team A.

9. PENALTIES

9.1 The following penalties apply:

9.1.1 Late registration for the Championship: 2% reduction of total marks for each day late in each round of the Championship.

9.2 Judges do not have the discretion to dispense with this penalty

9.3 Judges shall not be notified of the application of any of these penalties at any time.

10. APPEALS

10.1 Appeals will be dealt with in accordance with the Appeal Procedure bylaw.

11. THE NEGOTIATIONS

11.1 Each round consists of a 50 minute negotiation session.

11.2 As part of the session each team may take one break of no more than 5 minutes for the team to discuss strategy privately.

11.3 The 50-minute period continues to run during any such break.

11.4 If the team calling the break specifically requests, both teams must leave the room during the break.

11.5 During a break, teams may not confer with any other person.

11.6 At the end of the 50 minute period, each team has a 10 minute period of private reflection to analyse their performance.

11.7 After the private reflection, each team, in the absence of the opposing team, conducts a 10 minute self-analysis in the presence of the judges. The team should analyse its performance in the negotiation by answering the following questions:

11.7.1 In reflecting on the entire negotiation, if you were to be faced with a similar situation tomorrow, what would you do the same and what would you do differently?

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

11.8 The judge(s) will conduct a coin toss to determine which team is to go first in the self analysis, at the end of the ten minute private reflection period.

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

11.10 Responsibility rests with the student participants for timekeeping and for adherence to allotted time periods and breaks. However, if resources and volunteers are available, timekeepers or timekeeping devices may be provided, but no individual associated with a participant may act as timekeeper in a negotiation involving such participant.

- 11.11 Decisions by the judges as to elapsed time are final and non-reviewable.
- 11.12 Observation of the Competition is encouraged, however potential for disruption must be minimised. Observers should not enter or leave the room during the negotiation session or the self-analysis period.
- 11.13 Judges may, if they wish, request that observers leave the room while they confer. Apart from that discretion, observers may watch all segments of a round.
- 11.14 Competitors are not permitted to use mobile phones during the preparation or judging period. Mobile phones carried by competitors must be switched off during this time.
- 11.15 No observer shall attempt to communicate in any way with any team members from the beginning of the participants' negotiation session to the conclusion of the last self-analysis. Any communication breaches this rule and may result in disqualification.

12. JUDGING STANDARDS

- 12.1 The judging standards recognise that there is no one "correct" approach to conducting a negotiation. Instead the strategies and techniques used will vary according to the nature of the problem, the personalities involved and other circumstances. However, the effectiveness of a negotiation can be judged, at least in part, by its outcome.
- 12.2 Any marking criteria should not be read as requiring that the parties reach an agreement. In some situations, the best outcome might be no agreement at all. Thus, the judging standards (below) focus on planning and the negotiation process itself, allowing a team to achieve a high score even if no agreement was reached.
- 12.3 Each panel of judges ranks the teams whom they observe according to their effectiveness in the negotiation session. To assist the process of ranking, judges also score each team against the following standards:
 - 12.3.1 **NEGOTIATION PLANNING.** Judging from its performance and its apparent strategy, how well prepared did this team appear to be?
 - 12.3.2 **FLEXIBILITY IN DEVIATING FROM PLANS OR ADAPTING STRATEGY.** How flexible did this team appear to be in adapting its strategy to the developing negotiation, e.g., to new information or to unforeseen moves by the opposing team?
 - 12.3.3 **TEAMWORK.** How effective were the negotiators in working together as a team, in sharing responsibility, and providing mutual backup?
 - 12.3.4 **RELATIONSHIP BETWEEN THE NEGOTIATING TEAMS.** Did the way this team managed its relationship with the other team contribute to or detract from achieving its client's best interests?
 - 12.3.5 **NEGOTIATING ETHICS.** To what extent did the negotiating team observe or violate the ethical requirements of a professional relationship?
 - 12.3.6 **OUTCOME OF SESSION.** Based on what you observed in the negotiation and the self analysis, to what extent did the outcome of the session, regardless of whether agreement was reached, serve the client's goals?
 - 12.3.7 **SELF-ANALYSIS.** Students will begin this 10-minute period by answering, in the presence of the judges, the following questions: (1) "In reflecting on the entire

negotiation, if you faced a similar situation tomorrow, what would you do the same and what would you do differently?" (2) "How well did your strategy work in relation to the outcome?" Based on the team's self analysis during the review session, how adequately has it learned from today's negotiation?

13. INTERNATIONAL NEGOTIATION COMPETITION

- 13.1 The Championship is used to select a representative Australian team to compete in the International Negotiation Competition run by the International Negotiation Competition Committee. Subject to 13.2, the highest placed Australian team in the Competition for any given year will automatically go on to be the Australian representative team in the following year's International Negotiation Competition.
- 13.2 In the event of the inability of the winning team (constituted by any two of the winning team, being the highest-place Australian team who performed at the Championship) to attend the International Negotiation Competition, the second placed team may represent Australia. In the event of the inability of that team, the Australian Representative to the International Committee may, in consultation with ALSA, nominate an Australian team from the Competition to attend the International Negotiation Competition.
- 13.3 The two team members selected to compete at the International Negotiation Competition may select a reserve team member to their team for the purposes of the International Negotiation Competition.
 - 13.3.1 A reserve team member selected under 13.3 must comply with the rules of that Competition.
- 13.4 Australia is required to appoint a representative to the International Negotiation Competition.
 - 13.4.1 In the event that the team selected to compete at the International Negotiation Competition has nominated a Faculty Adviser under 6.1, that Faculty Adviser shall be the representative to the International Competition.
 - 13.4.2 The representative shall hold office from the ALSA Conference that the team competed in until the next ALSA Conference.
 - 13.4.3 In the event that team selected to compete at the International Negotiation Competition has nominated a Faculty Adviser under 6.1, or that Faculty Adviser is unable to be the Australian Representative to the International Negotiation Competition, then ALSA and the Australian Client Interviewing and Negotiation Competitions Committee will consult in order to appoint a representative.
 - 13.4.4 ALSA is not responsible for funding the position of Australian Representative to the International Negotiation Competition Committee.

Appendix One

Example Marking & Comment Sheet

PLEASE BE SURE TO COMPLETE ALL CATEGORIES BEFORE HANDING IN SCORE SHEET

Team Designation: _____ Room: _____

Judge: _____

Negotiation: _____

Winner / Loser: _____

Judging Checklist

- Before negotiation, complete all information above except Winner/Loser
- During or after negotiation, circle one score for each scoring category on the following pages
- After negotiation, complete Winner / Loser above
- After negotiation, complete Scores boxes below including Total Mark Box

1. NEGOTIATION PLANNING.

Judging from its performance and its apparent strategy, how well prepared did this team appear to be?

- 7 - Very unprepared
- 6 - Unprepared
- 5 - Somewhat unprepared
- 4 - Neutral
- 3 - Somewhat prepared
- 2 - Prepared
- 1 - Highly prepared

COMMENTS:

2. FLEXIBILITY IN DEVIATING FROM PLANS OR ADAPTING STRATEGY.

How flexible did this team appear to be in adapting its strategy to developing the negotiation, e.g., to new information or to unforeseen moves by the opposing team?

- 7 - Very inflexible
- 6 - Inflexible
- 5 - Somewhat inflexible
- 4 - Neutral
- 3 - Somewhat flexible
- 2 - Flexible
- 1 - Highly flexible

COMMENTS:

3. OUTCOME OF SESSION.

Based on what you observed in the negotiation and the self-analysis, to what extent did the outcome of the session, regardless of whether agreement was reached, serve the client's goals?

- 7 - Very poorly served
- 6 - Poorly served
- 5 - Somewhat poorly served
- 4 - Neutral
- 3 - Somewhat served
- 2 - Served
- 1 - Fully served

COMMENTS:

4. TEAMWORK.

How effective were the negotiators in working together as a team, in sharing responsibility, and providing mutual backup?

- 7 - Very ineffective
- 6 - Ineffective
- 5 - Somewhat ineffective
- 4 - Neutral
- 3 - Somewhat effective
- 2 - Effective
- 1 - Highly effective

COMMENTS:

5. RELATIONSHIP BETWEEN THE NEGOTIATING TEAMS.

Did the way this team managed its relationship with the other team contribute to or detract from achieving its client's best interests?

- 7 - Strongly detracted
- 6 - Detracted
- 5 - Detracted somewhat
- 4 - Neutral
- 3 - Contributed somewhat
- 2 - Contributed
- 1 - Contributed strongly

COMMENTS:

6. NEGOTIATION ETHICS

To what extent did the negotiating team observe or violate the ethical requirements of a professional relationship?

- 7 - * Strongly violated
- 6 - * Violated
- 5 - * Violated somewhat
- 4 - Neutral
- 3 - Observed somewhat
- 2 - Observed
- 1 - Observed strongly

*If you circled 5, 6, or 7 was the ethical violation so severe that, in your judgment, the team should be disqualified from the competition? Circle: YES NO

COMMENTS:

7. SELF-ANALYSIS.

The teams should begin this 10-minute period by answering the following questions:

- 7.1 "In reflecting on the entire negotiation, if you faced a similar situation tomorrow, what would you do the same and what would you do differently?"
- 7.2 "How well did your strategy work in relation to the outcome?"

Based on the team's self-analysis during the review session, how adequately has it learned from today's negotiation?

- 7 - Very inadequately
- 6 - Inadequately
- 5 - Somewhat inadequately
- 4 - Neutral
- 3 - Somewhat adequately
- 2 - Adequately
- 1 - Very adequately

DO YOU HAVE ANY OTHER COMMENTS REGARDING THIS TEAM:

Note to Judges

Please use the following as a guide for final scores:

Very Good	14 – 17
Good	18 – 21
Above Average	22 – 25
Average	26 – 29
Below Average	30 – 33
Poor	34 – 37
Very Poor	38 – 41

When deciding on the scores, please take the following into account:

Identification of issues;

Display of tactics;

Speaking ability;

Answering questions from the other team;

Ability to rebut opposition arguments;

Following of time limits;

Ability to come to a suitable outcome; and

Any other factors that you consider relevant.