



CLAYTON UTZ NEGOTIATIONS COMPETITION JUDGING GUIDELINES 2019

THINGS YOU NEED TO KNOW:

- Please arrive at the MULSS office on Level 2 of Melbourne Law School 20 minutes prior to the scheduled start date of the time of the negotiation.
- We will provide you with a copy of the problem, the judging guidelines and a scoresheet.
- Please dress in formal attire.

COMPETITION FORMAT:

- The negotiations session goes for 40 minutes.
- Teams must begin the negotiation by introducing themselves to the other team and stating which client they are representing.
- Each team may take two 2 minute time-outs during the negotiation. No time-outs may be taken inside the final 5 minutes.
- Teams are expected to keep track of their own time-outs.
- Judges must notify teams when they have 5 minutes remaining.
- Once the negotiation is over judges will ask the teams to leave the room to enable them to deliberate.
- Judges will call each team back into the room privately, to clarify anything and to provide the team with individual feedback.
- Judges will finally call both teams into the room, provide overall feedback and announce a winner.

HOW TO SCORE TEAMS:

Emphasis of the Competition: This year we are looking to place an emphasis on creative problem solving/ flexibility/ teamwork/ professionalism/ respect and the preservation of relations with the other team.

We are placing less of an emphasis on: Getting the “best deal”/ taking a hardline approach to the negotiation, particularly if the relationship between teams is deteriorated by such a pursuit.

Please award marks when:

1. A team understands and clearly and effectively advocates for their client’s interests.
2. A team has a well thought out negotiation strategy **but** they are able to adapt this strategy and present creative solutions that realistically fit the scenario.
3. Team members contribute equally and do not interrupt each other or their opposing team.
4. A team approaches the negotiation with an interest-based mindset, not positional.
5. A team acknowledges that a particular means may not be the most effective way to achieve a particular ends and finds an alternative means to achieve their aims.
6. A team adopts a **creative solution** to a problem and look at alternative means to achieve an end which is important to their client.
7. A team is respectful to their opponents and actively seeks to **preserve or enhance** the relationship.
8. A team exhibits the professionalism you would expect to see from a junior solicitor representing a client. This can include conduct such as: confidently introducing themselves and stating the client they represent; dressing appropriately; and taking the competition seriously.

Please deduct marks when:

1. A team cannot devise creative solutions and adapt to new information provided by the opposing team.
2. A team does not fully understand their client’s needs and interests.
3. A competitor shows bad faith. For example, continuously interrupting or being rude to their teammate and/or the opposing team; or blatantly lying about their facts.
4. A competitor dominates the negotiation and does not allow their teammate to contribute.
5. A team (or one competitor in that team) approaches the negotiation with the desire to “fight” instead of seeking out the other party’s interests.
6. A team brings in specialist knowledge/law not in the facts in an attempt to confuse.
7. A team brings a pre written contract.
8. A team is completely unwilling to budge or cooperate on a certain issue (use your discretion here) i.e. the phrase “that/this is non-negotiable” is a red-flag.
9. A team (or one competitor in that team) does not exhibit the professionalism you would expect to see from a junior solicitor representing a client. This can include conduct like: forgetting to introduce themselves and forgetting the client they are representing; not dressing appropriately; and giggling or otherwise making a mockery of the competition.

FEEDBACK:

Please make feedback clear and specific. Give each team at least one key thing to work on.

Remember: Please remind teams that feedback will not be automatically provided. Teams can request their feedback, however this must be done so within 24 hours after they have competed.