

THE RULES OF THE ELSA NEGOTIATION COMPETITION

FOREWORD

The European Law Students' Association is the world's largest independent, non-profit, non-political association run by and for law students and young lawyers. The ELSA Vision is: "A just world in which there is respect for human dignity and cultural diversity". Contributing to legal education is the central aim of the association. Through various academically focused projects and events, ELSA provides opportunities for law students and young lawyers to apply theory in practice and to learn about other legal systems.

In accordance with the goals of ELSA, as an organisation of law students in Europe, which is assisting law students and young lawyers to be internationally minded and professionally skilled, ELSA International facilitates the ELSA Negotiation Competition (ENC).

The ELSA Negotiation Competition is referred to as a simulation of a negotiation process between two parties. For this purpose, two teams, representing a client or a party negotiate a legal dispute. These simulations are observed and evaluated by a jury consisting of three judges based on criteria set out by these rules.

Table of Contents

1. The Competition	4
2. Registration and participation policies	4
2.1. Team members eligibility	4
2.2. Composition of teams	4
2.3. Coaches	4
2.4. Expenses	5
3. The case and supporting materials	5
3.2. Supporting materials	5
4. The ENC Round	5
4.2. Preparation	5
4.3. The Negotiation Period	5
4.4. Self-Reflection Period	6
4.5. Feedback Period	6
4.6. Timekeeping	6
4.7. Variations in format and timing	6
5. Judging and scoring	6
5.1. The Jury	6
5.2. Judging criteria	6
5.3. Disclosure	7
6. Expected behaviour	7
6.1. Deception	7
6.2. Permissible assistance and prohibited communications	7
6.3. Disqualification	7

1. The Competition

- 1.1. The ELSA Negotiation Competition (ENC) is a competition in which a team of two students or recent graduates representing a party or client negotiates either a transaction or the resolution of a dispute with an opposing team of two students or recent graduates.
- 1.2. The purposes of the Competition are to:
- Promote greater interest among law students in legal negotiation;
 - Provide a means for law students to practise and improve their negotiating skills;
 - Provide law students with a critique of their performance from experienced legal negotiators.
- 1.3. The language of the Competition is English.

2. Registration and participation policies

2.1. Team members eligibility

- 2.1.1. Students are eligible to participate in a team if they:
- are enrolled in bachelors' or masters' studies at eligible university where the respective ELSA Group is based at the time of the registration for the competition;
 - are not or have not been engaged in the professional practice of law other than work experience;
 - are not involved in the organisation of the current edition of the Competition.
 - have not previously won a National Final Round of the Competition.

2.2. Composition of teams

- 2.2.1. Teams shall consist of two students.
- 2.2.2. All members of a team must be enrolled at the same university.
- 2.2.3. Unless any exceptional circumstances occur, teams may not change their composition after registering for the competition. Any change must be submitted to the organising ELSA Group.

2.3. Coaches

- 2.3.1. Each team may have a maximum of two team coaches.
- 2.3.2. A team coach may only assist in general discussions concerning the case, linguistic matters and presentational skills. They shall provide no substantive advice on the legal issues arising in the case and should not participate in the preparation of the negotiation.
- 2.3.3. The team coach may attend the negotiation session but may not communicate with teams, timekeepers or judges.
- 2.3.4. Team coaches may not have access to the confidential facts of the opposing team.

2.4. Expenses

2.4.1. Travel, accommodation, and incidental costs incurred by participants in the Competition will not be reimbursed by the organising group and will be the responsibility of the team. The Competition is not liable for any costs or risks associated with attending the Competition.

3. The case and supporting materials

3.1. Each case consists of the following components:

- General information provided to all teams irrespective of the side represented at the negotiation meeting (“General Facts”);
- Confidential information provided only to the participants representing the particular side the information is written for (“Confidential Facts”).

3.1.1. External materials that are commonly accessible are allowed to be introduced during the simulation process.

3.1.2. Fictional materials that are not materially affiliated to the scenario itself (such as business cards) are allowed to be introduced during the simulation process.

3.1.3. It is strictly prohibited to invent and introduce materially self-serving facts during the simulation process. A material self-serving fact is one that significantly changes the relative leverage between the parties. Whether a team’s interpretation of the facts is reasonable, or whether a team has invented or inferred material self-serving facts, is a matter to be determined by the judges during the round.

3.2. Supporting materials

3.2.1. Teams are allowed to use calculators and one additional electronical device, such as a stopwatch, phone, tablet or laptop, for the purpose of self-timekeeping.

3.2.2. Teams are allowed to use blank flip charts or black/white boards.

4. The ENC Round

4.1. Each ENC Round consist of four periods; preparation, negotiation, self-reflection and feedback.

4.2. Preparation

4.2.1. The team roles shall be decided through a draw at least four days prior to the competition.

4.2.2. The case shall be disclosed to the teams at least three days prior to the competition.

4.3. The Negotiation Period

4.3.1. The Negotiation Period shall last up to 60 minutes depending on the case and the number of teams.

4.3.2. Either team may request one break of up to five minutes from the negotiation. If a team decides to take a break shorter than five minutes, that does not allow the team to take another break.

4.3.3. Judges may not ask questions during the Negotiation Period.

4.4. Self-Reflection Period

4.4.1. Teams are allowed to prepare for the self-reflection period, without a presence of the judges for a maximum of five minutes.

4.4.2. Teams are allowed five minutes to self-evaluate their performance in front of the judges.

4.4.3. Judges are allowed to ask questions during the self-reflection period.

4.5. Feedback Period

4.5.1. The judges must provide direct feedback to the teams at the conclusion of the Negotiation Session.

4.5.2. The Feedback Period may not exceed ten minutes.

4.6. Timekeeping

4.6.1. Timekeepers will indicate the elapsed time towards judges and teams at intervals of five minutes and where there are three, two and one minutes left, and when the end of the time allocated is reached.

4.6.2. Each Round must have a minimum of two timekeepers.

4.7. Variations in format and timing

4.7.1. Upon prior notice to the participating teams, the organising group may vary the format and timing of the Competition.

5. Judging and scoring

5.1. The Jury

5.1.1. The respective organisers on each level are responsible for selecting judges for the competition.

5.1.2. The jury shall be composed of at least one practicing lawyer and two law graduates.

5.1.3. No judge may be affiliated with the participants.

5.2. Judging criteria

5.2.1. Judging shall be executed upon the team as such, not upon the individual persons.

5.2.2. Teams' performances shall be evaluated after a negotiation session is concluded.

5.2.3. Judges shall evaluate teams' performance based on the Scoring Tools provided by ELSA International.

5.3. Disclosure

5.3.1. The scores may be made available for the teams upon request after the ENC round has been concluded.

6. Expected behaviour

6.1. Deception

6.1.1. The following cases shall be regarded as attempts at deception:

- If a team withholds important facts mentioned in the scenario or falsifies information of the scenario in order to intentionally create a disadvantage for the opposing team.
- If a team member exchanges material facts with members or coaches of other teams.

6.2. Permissible assistance and prohibited communications

6.2.1. Coaches may advise the team in its planning and preparation for the competition.

6.2.2. Teams may not receive advice or assistance from any person with access to the confidential facts of the opposing team.

6.3. Disqualification

6.3.1. Any breach of these rules or any attempt at deception results in disqualification on every level of the competition, regardless of the substance and regardless of whether initiated by a participant or by any other person.