



South Texas  
COLLEGE OF LAW  
— HOUSTON —

## **2020 Energy Law Negotiation Competition Rules**

### **I. Eligibility**

Competitors must be enrolled in a JD program at an ABA accredited law school at the time of the competition. Students pursuing an LLM are not eligible to compete.

### **II. Team Composition**

Teams are composed of two students each. Competitor names must be provided to [dberman@stcl.edu](mailto:dberman@stcl.edu) by March 16, 2020. In the event an emergency arises and a team member is no longer able to participate, schools may send an alternate.

### **III. Competition Preparation**

#### **A. When do registered teams receive the negotiation facts?**

The facts for the two preliminary rounds will be emailed to all school contacts no later than March 4, 2020. The general facts for the final round will also be released at that time. The four teams that continue on to the final round will receive their side's confidential facts when the finalists are announced on Saturday evening.

#### **B. What assumptions can teams make about the facts and controlling law?**

Information contained in the fact pattern is considered a closed universe. Teams may not make up self-serving facts but may make reasonable inferences using common sense.

#### **C. What is a reasonable inference?**

A reasonable inference is an inference that derives naturally from the fact pattern without altering the material facts. Any facts deriving from case law, news sources, or any other outside source not explicitly cited by the fact pattern that serves to change any material fact of the negotiation and is self-serving is considered to not be a reasonable inference. Any information based on outside research that changes any material fact in the fact pattern(s) and is self-serving is an ethical violation and could

result in penalties that can include but are not limited to disqualification from the competition.

D. What if there are questions about the facts?

Teams will be allowed to submit a maximum total of three clarification questions regarding the facts. All inquiries related to the competition problem should be submitted by a coach/faculty advisor and directed by email to dberman@stcl.edu. Inquiries must be submitted by 5pm (central time) on March 12, 2020. When submitting questions, please separate the questions by round and side. All clarifications or responses to questions will be sent to participating schools by email to their designated contact person.

#### **IV. Competition Format and Timing of Rounds**

- A. There will be two preliminary rounds on Saturday and one final round on Sunday. A detailed schedule will be provided to all coaches and competitors prior to the competition.
- B. During the final round, all four teams will be judged by the same judges. Two teams will be designated to negotiate during the first final round and the remaining two teams will negotiate immediately thereafter during the second final round.
- C. During the preliminary rounds, teams will have 70 minutes to negotiate and 5 minutes for self-analysis. The team with the letter designation closest to “A” will go first in self-analysis. During the self-analysis, teams should answer the following three questions:
1. What was your strategy going into the negotiation?
  2. How did you adapt your strategy during the negotiation process?
  3. If you had to do this negotiation again, what would you do differently?

During self-analysis, judges may ask questions directly to the team regarding why they made certain choices during the negotiation. For general scoring purposes, the judges may take into consideration anything said during self-analysis. Please note that teams will **not** be formally scored on their self-analysis.

D. The timing of the two **preliminary rounds** will be as follows:

- Negotiation: 70 minutes
- Preparation for self-analysis: 5 minutes

- Self-analysis: 10 minutes total (5 minutes per team)
- Judges' comments and feedback: 10-15 minutes
- TOTAL TIME per preliminary round: 95-100 minutes

E. The timing for the two **final rounds** will be as follows:

- Negotiation: 50 minutes
- Preparation for self-analysis: 5 minutes
- Self-analysis: 10 minutes total (5 minutes per team)
- Judges' comments and feedback: 10-15 minutes
- TOTAL TIME per final round: 75-80 minutes

\*\*Please note that the format for the final round is slightly modified. The rounds will be shortened to 50 minutes for the negotiation itself.

F. Breaks: Each team will be allowed one 5-minute break during the negotiation if they choose to use it, but the overall time for the round will not stop during a break. If a team elects to take a break, both teams are required to leave the room and may not converse with any other competitors or persons. The teams may reenter the room at any point prior to expiration of the 5-minute break but are required to be in the room at the expiration of the break. If teams do not use the full five minutes, they will lose the remaining minutes and may not take another break.

## V. What may competitors bring to the round?

- Competitors may bring any notes or prepared documents into the round for their use only.
- Teams may present to the other side and judges only one 1-sided 8.5 x 11 piece of paper as a "prop" if they so choose. Teams are allowed to use one prepared prop in each round so long as it does not contradict or impermissibly expand upon the facts. The prop should be provided to the judges either during the round or immediately before the round begins.
- Competitors may use notes during the self-analysis but may not hand anything to the judges.
- Time-keeping devices: Teams are responsible for keeping their own time. Therefore, they may keep a cell phone out as long as it is on silent and airplane mode.
- White boards and markers will be provided in each room.

## **VI. Scoring Procedures**

After preliminary rounds one and two have been completed, four teams will advance to the final round on Sunday, April 5. Advancement to the final round will be determined by:

- A. The four teams with the greatest number of wins.
- B. In the event there is a tie between teams in “A” above, the team with the highest overall points out of the tied teams will proceed to the final round.
- C. If the teams are still tied, administrators will implement the tie breakers in the order listed below:
  - a. Administrators will select the team with the highest score under the “Negotiation Process” criteria on the score sheet.
  - b. If the tie is still not broken, administrators will select the team with the highest score under the “Advocating for Client’s Interests” criteria.
  - c. In the highly unlikely event that there is still a tie, the administrators will flip a coin to determine the winner.
- D. In the final round, each judge will observe all four teams and will rank each team one through four (with one being the most effective). The team with the best average ranking after all of the judges’ rankings are totaled will be the winner.
  - a. In the event there is a tie in the final round, the team with the greatest number of points from the final round will win.
  - b. If the tie is still not broken, the administrators will use the total number of points from the two preliminary rounds.

## **VII. Observation of Rounds**

- A. Observers, including team coaches, will be allowed to view the preliminary rounds in the room where the team from their school is competing. The observers must be associated with the teams or the teams' schools in some way. Participants or persons associated with participants are not permitted to attend rounds in which that school’s teams is not involved. Observers are not allowed to exit the room until the end of the round (following self-analysis). At no time will any observer be allowed to talk with the judges inside the competition room *prior to or during* the round. Also, no observer will be allowed to talk with a competitor once the round has begun and until the round has fully completed (after the judges' feedback).

- B. If an observer is associated with a team participating in a final round, they may only observe the final round in which their team is participating.

### **VIII. Team Identification**

Each team will be assigned a random letter designation. Names of schools are not divulged to the judges and participants should not divulge their school name during the round even if the judges ask.

### **IX. Violations**

Any violations of these rules or any other act or speech not contemplated in these rules that would have an adverse or unfair effect on the results of the competition, may be presented to the competition administrators for review and ruling.