

REGIONAL COMPETITION RULES

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Competition Synopsis

Most disputes which lawyers are asked to sort out don't end up in the courts. Instead they are settled by way of some form of compromise between the parties - a negotiated agreement. Lawyers are also often asked to represent a client who is entering a business arrangement. This will involve negotiating the terms of that arrangement or transaction. Those terms might cover anything from the price to the position if the contract is breached. In all cases, the lawyer needs to fully understand what the client and the other party are offering and/or expecting in return and what compromises might be made. Getting the best 'deal', short and long term, for the client will involve some skilful negotiation.

Buddle Findlay Negotiation Competition

The Buddle Findlay Negotiation Competition is an undergraduate law student competition in which a team of two law students representing a client negotiates either a transaction or the resolution of a dispute with an opposing team of two students. Each participating team receives in advance a common set of facts and confidential information known only to the participants representing a particular side. They then prepare to negotiate an agreement with another team of students who will have received the same common facts but only their own confidential information.

Dates

The regional competitions are to be held in the first semester of 2007 at all Universities. For exact dates please get in contact with one your respective Law Student Society Competitions Representatives

The winning team from each regional competition will compete at the New Zealand Law Students' Association National Conference, which this year is to be held at the University of Canterbury on 28 August to 2 September 2007.

Each Regional winning team will also be invited to compete at the Australian Law Students' Association (ASLA) Asia-Pacific Conference in Canberra run in the second week of mid year break.

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Rules

1. Eligibility

The Buddle Findlay Negotiation Competition is open to undergraduate students enrolled for the LLB degree at participating Universities. Students enter in teams of two. The competition is ideally limited to a maximum of 32 teams. If the number of enrolments exceeds this figure, numbers will be reduced by excluding students who have not enrolled in or completed a relevant negotiation course conducted by the University and thereafter by ballot.

2. Competition Format

There will normally be one preliminary round in which all teams compete in panels of four teams (i.e. two sessions with two teams competing at a time). The best team in each panel will advance to a semi-final round, and the best team in each semi-final will advance to the final round.

The winning team of the final round will be eligible to represent their University at the NZLSA National Conference as well as the ALSA Asia-Pacific Conference. If this team is unable to attend either conference, the team with the next best score that is able to attend both conferences and will be chosen as the regional representative. Air fares (where air travel is necessary) and registration costs for each regional representative team will be paid by Buddle Findlay.

As there are 5 Law Schools and an even number of teams is required for this competition, the University hosting the NZLSA National Conference (i.e. Canterbury University in 2007) puts two teams forward.

3. Negotiation Format

Prior to the regional competition, each team will receive a common set of facts and a confidential information sheet that is only for the participants representing each particular side. **The confidential information sheet must be kept confidential and must not be shown to anyone else until the competition has been completed nationwide.** Judges will have access to all fact sheets provided to participants.

Each round will consist of a 50-minute negotiation session during which each team may take one break of no more than 5 minutes. The 50-minute period will continue to run during any such break. If the team calling the break specifically so requests, both teams must leave the room during the break. At the end of the 50-minute period each team will have a 10-minute period to prepare for their self-analysis. Each team will then analyse their performance (maximum duration: 10 minutes) in the presence of the judges and any observers. Judges may extend the time period where appropriate at their discretion.

Responsibility rests with the participants for adherence to allotted time periods and breaks. However, if resources and volunteers are available, timekeepers or timekeeping devices may be provided. No individual identified with a participant may act as timekeeper in a negotiation involving that participant. Decisions by the judges as to elapsed time are final and will not be reviewed.

There will be a random procedure to determine which team will self-analyse first. The self-analysis will consist of each team analysing their own performance in the negotiation for the judges. This will take place outside the presence of the opposing team. Students will begin this 10-minute period by answering, in the presence of the judges, the following questions:

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

The team should also be prepared to respond to questions from the judges concerning the team's performance. The team might use this as an opportunity to explain why it chose a particular approach or even a specific tactic. Anything said during this session may be taken into consideration by the judges for scoring purposes.

There should be no observers for the preliminary rounds, however observer may attend the competition final. In order that the potential for disruption of the competition is kept to a minimum, any observers should not leave the room between the beginning of each negotiation session and the end of the self-analysis period.

4. Additional Material

Additional material includes, but is not limited to, any literature, research, case law, etc, that relates to the existing facts of the simulation. Additional material does not include a team's plans, notes, etc, made for their own use, or relating to negotiation tactics. No new facts may be added to the simulation.

Additional materials should be submitted to the judges before the negotiation starts. The judges may exclude any material that they consider does not comply with these rules. Copies of the additional material must also be supplied to the opposing team at the point in the negotiation when they are being referred to. Additional materials, other than those used during the negotiation session and submitted as above, may not be introduced or used during the self-analysis period of the competition.

5. Materials for Semi-finals and Finals

Materials for the semi-final and final rounds will be distributed after the advancing teams are announced, including, where relevant, confidential facts from the first rounds if the simulations develop one from the other, either involving the same parties and/or the same issues. The competition coordinator may release the materials in such a way that the teams have an equal amount of time to prepare for their respective appearance in the semi-final round. Where the negotiation for the final round is a scenario involving the same parties as in a previous round and it becomes necessary for any competitor(s) to switch sides upon entering the final round, the determination of the sides represented by all participant(s) will be decided by random lot.

6. Team Briefing

Every effort will be made to ensure that the simulations and rules are clear. The competition coordinator shall organise briefing sessions prior to each round. All student participants representing a particular side should meet together and be given the opportunity to ask questions. No one other than the student participants and person(s) conducting the briefing session will be permitted to attend.

The competition coordinator will have complete discretion in answering questions related to the simulation and rules. However, no new facts may be added to the simulations.

As teams representing each side will meet separately, if one group raises a question that exists in the common facts (i.e., the information known by both sides), the clarification will be communicated to the other group and to the judges. As in any negotiation session, the facts are subject to reasonable interpretation by the parties. Whether a team's interpretation is reasonable is not a matter that should be resolved by the person conducting the briefing. Questions of reasonableness of an interpretation are entirely within the discretion of the judges and are not open to review.

7. Judges

Each round will be observed and evaluated by one to two judges who must be either an academic, practising lawyer or otherwise experienced negotiator. These judges will evaluate the performance of the participants according to the standards and criteria provided. To the extent possible, the host law faculty/sponsor is responsible for selecting judges who are experienced and knowledgeable in negotiation skills.

8. Judges Briefing

Judges will be briefed before each round in conformity with the Buddle Findlay Negotiation Competition Instructions for Judges.

9. Permissible Assistance

Teams may seek general advice from others in planning and preparation for the competition, but may not communicate their confidential facts to anyone. From the beginning of the participants' negotiation session to the completion of the self-analysis period for that negotiation session no one may give advice or instructions to, or attempt to communicate in any way with, any of the participants. No active participant or other person identified with an active participant may attend a negotiation session of any other team.

The mere act of communication, receipt of information, or attendance proscribed by this rule will constitute a breach of the rules, regardless of the substance thereof and regardless of whether initiated by a participant or by any other person. Breach of this rule will result in disqualification. (See Rule 11 for procedures.) Innocent mistake will not be a defence to a complaint based on breach of this rule; even casual exchanges unrelated to the substance of the negotiation will be considered as cheating.

10. Pairing Rounds

Opposing sides will be randomly matched for the preliminary round by the competition coordinator.

11. Breaches of the Rules

Any breach of the rules that may affect the results will be resolved on the day of the competition by an appeals panel appointed by the competition coordinator. Competition participants and faculty advisers waive the right to appeal any matter arising in the course of a competition round if they fail to make a complaint before the end of the second judges' feedback period in the round in which the matter occurred. The appeals panel will consist of at least one but not more than three faculty advisers and/or judges.

The appeals panel will not hear a complaint that will have no bearing on the results of the competition. A complaint will be considered to have no bearing on the results of the competition if the alleged offending team would not otherwise advance to the next stage of the competition whether or not the complaint is upheld.

With respect to complaints occurring in the presence of the judges, the appeals panel has full discretion to determine whether to rank the offending team last in the round or impose no penalty. The rankings of the other teams in that round shall, when a penalty is imposed, be adjusted upwards accordingly.

The decision of the appeals panel is final.

12. Failure of Registered Team to Appear on Time at the Competition

Any team which is more than 10 minutes late for a scheduled round forfeits.

13. Scoring

Judges will rank the teams in order of effectiveness in all the negotiating sessions of a particular round.

The judges may confer before ranking and scoring the teams. In the event of a tie in the judges' ranking the tie will be broken by comparing points awarded for the eight categories to be scored on the Judges' Score Sheets. In the event that the tie remains unbroken, the winner of the round will be determined by discussion amongst the judges.

14. Controlling Law

Unless otherwise stated, the controlling law in the simulations will be that of New Zealand.