



HERBERT
SMITH
FREEHILLS

॥न्यायस्तत्र प्रमाणं स्यात् ॥



HSF – NLU DELHI INTERNATIONAL NEGOTIATION COMPETITION

COMPETITION RULES

Herbert Smith Freehills LLP

Copyright © 2018 Herbert Smith Freehills LLP (HSF)

All rights reserved.

HSF holds all copyright and other intellectual property rights in this collective work. No part of this work may be reproduced, distributed, transmitted, translated or adapted in any form or by any means, except permitted by law, without the written permission of HSF. Permission can be requested at: sarvatrajit.jajmann@hsf.com.

TABLE OF CONTENTS

Clause	Headings	Page
1.	GENERAL.....	1
2.	DEFINITIONS.....	1
3.	PARTICIPATING TEAM COMPOSITION	1
4.	NEGOTIATION SIMULATIONS	1
5.	NEGOTIATION SESSIONS	2
6.	NEGOTIATION PLAN	3
7.	JUDGES	4
8.	RANKING AND PROGRESSION.....	5
9.	AWARDS.....	6
10.	DISQUALIFICATION	7
11.	PENALTY	7
12.	MISCELLANEOUS	7
	SCHEDULE 1 DEFINITIONS.....	9
	SCHEDULE 2 SCORE SHEET (NEGOTIATION SESSION)	11
	SCHEDULE 3 PENALTY SCORE SHEET (NEGOTIATION PLAN)	13

HSF – NLU DELHI INTERNATIONAL NEGOTIATION COMPETITION

1. GENERAL

- 1.1 The HSF – NLU Delhi International Negotiation Competition will be held at NLU Delhi in September annually.
- 1.2 The Competition aims at providing an opportunity to law students from top universities to practice and improve their negotiation skills. It provides a platform for law students to compete in a truly diverse and international environment, making negotiations more complex than usual. The competition is carefully structured to simulate legal negotiations, making it particularly useful for those students who aspire to be international lawyers.
- 1.3 The participating students, acting as lawyers, will negotiate a series of legal simulations. The simulations, which are based on real life examples, comprise:
 - 1.3.1 a common set of facts known to all participants; and
 - 1.3.2 confidential information known only to the participants representing a particular side.
- 1.4 Participation in the Competition is by invitation only.
- 1.5 The Competition Administrator reserves the right to charge teams a nominal registration fees, payable online or by any other mode of payment prior to arrival or in cash at the time of registration for the Competition.

2. DEFINITIONS

- 2.1 The definitions set out in Schedule 1 will apply throughout the Competition Rules, unless a contrary intention appears.
- 2.2 In these Competition Rules, any reference to the Competition Rules includes a reference to the Schedules.

3. PARTICIPATING TEAM COMPOSITION

3.1 Participating Team Composition

- 3.1.1 Each Participating Team will:
 - (A) consist of two Eligible Students; and
 - (B) not be permitted to change the composition of its team once the same has been communicated to the Competition Administrator (other than in case of unforeseen circumstances, such as severe medical ailment or denial of visa).
- 3.1.2 Each Participating Team may be accompanied by a maximum of one coach to assist them with preparation for the Negotiation Sessions. The coach shall not be a person who has been approached by the Competition Administrator to be a judge or has otherwise been assisting the Competition Administrator with the Competition.

4. NEGOTIATION SIMULATIONS

4.1 Negotiation Simulations and Confidential Information

- 4.1.1 Each Negotiation Simulation will consist of General Information for all parties and Confidential Information for each party. There will be five Negotiation Simulations, one for each round of the Competition.
- 4.1.2 All Participating Teams will receive General Information for the two Preliminary Rounds, the Quarter-Final, the Semi-Final and the Final Rounds before the start of the Competition at a date communicated by the Competition Administrator.
- 4.1.3 The Participating Teams will be assigned the party that they will represent during each of the Preliminary Rounds in advance and each team will receive

Confidential Information pertaining to the interests of the party they will be representing during the Preliminary Rounds at the same time as they receive General Information in respect of the five Negotiation Simulations described above.

4.1.4 The Confidential Information for the Semi-Final, Quarter-Final and Final Rounds will be provided after the results of the Preliminary Rounds have been announced.

4.1.5 The Participating Team will not disclose the Confidential Information to anyone else at any time between the receipt of this information and the conclusion of the Competition, save that disclosure by the Participating Teams during a Negotiation Session (to the extent they consider necessary or appropriate) is permitted.

4.2 **Clarifications to the Negotiation Simulation**

Every effort will be made to ensure that the Negotiation Simulations are clear; however, if a Participating Team has any questions, clarifications or interpretations in relation to one or more Negotiation Simulations then these can be submitted to the Competition Administrator within one month from the date of release of the Negotiation Simulations.

4.3 **Interpretation of the Negotiation Simulation**

4.3.1 Whilst the Participating Teams are not allowed to create new facts, the Negotiation Simulations are subject to reasonable interpretation and the Participating Teams may draw reasonable conclusions from them. Whether a Participating Team's interpretation is reasonable is a matter entirely within the discretion of the Judges.

4.3.2 Failure to stay within a reasonable interpretation of the Negotiation Simulation may result in a Penalty in accordance with the Competition Rules. In case of any doubt in the understanding or interpretation of any matter concerning the Competition, the decision of the Competition Administrator will be final and binding.

5. **NEGOTIATION SESSIONS**

5.1 **Roles and Rounds**

5.1.1 In a Negotiation Session, each Participating Team will be represented by no more than two Eligible Students with one taking the role of "Counsel" and the other taking the role of "Client".

5.1.2 Each Participating Team will be required to take part in two preliminary rounds, on the basis of which the Participating Team may proceed to the Quarter-Final Rounds. For the Preliminary Rounds, the Participating Team will ensure that the two Eligible Students switch the roles of client and counsel between themselves such that both the Eligible Students get an opportunity to take the role of client and counsel.

5.2 **Time Limits**

5.2.1 In the Preliminary Rounds, each Negotiation Session will consist of 80 minutes, a break-up of which is as follows:

- (A) 60 minutes for the actual negotiation;
- (B) 10 minutes (5 minutes per Participating Team) for questions from or feedback by the Judges; and
- (C) 10 minutes for the Judges to score the Participating Teams and their Negotiation Plan.

- 5.2.2 In the Quarter-Final, Semi-Final and the Final Rounds, each Negotiation Session will consist of 90 minutes, a break-up of which is as follows:
- (A) 60 minutes for the actual negotiation;
 - (B) 20 minutes (10 minutes per Participating Team) for questions from or feedback by the Judges; and
 - (C) 10 minutes for the Judges to score the Participating Teams and their Negotiation Plan (if relevant).
- 5.2.3 The Judges will have complete discretion to:
- (A) alter the restriction on time limits set out in Rules 5.2.1 and 5.2.2 above; and
 - (B) impose a Penalty for failing to adhere to time limits for the actual negotiation prescribed herein.
- 5.2.4 The Competition Administrator may at its discretion but subject to Rule 5.2.5, add, remove or otherwise modify the format of any of the Competition Rounds, including requiring Participating Teams to participate in additional Competition Rounds, cancelling certain Competition Rounds or otherwise modifying any Competition Rules pertaining to a Competition Round.
- 5.2.5 Any change pursuant to Rule 5.2.4 above will be notified to the Participating Teams in advance to ensure that no Participating Team has any unfair advantage or is otherwise prejudiced in relation to its participation in any of the Competition Rounds.

5.3 **Anonymity**

Participating Teams must not disclose the names of the team members, coach, institution or country to the Judges during the Negotiation Session.

6. **NEGOTIATION PLAN**

6.1 **General requirements**

- 6.1.1 Each Participating Team shall submit a negotiation plan (the "**Negotiation Plan**") for each Negotiation Session in the Preliminary Rounds, in accordance with this Rule 6.
- 6.1.2 The purpose of the Negotiation Plan is to present the objectives and goals of the respective party to the Negotiation Simulation.
- 6.1.3 The Negotiation Plan shall contain a case analysis evaluating the respective strategic strong points and weak points of each party to the Negotiation Simulation, their respective needs and interests, and their BATNAs and WATNAs.
- 6.1.4 A Negotiation Plan must strictly conform to the following general requirements. Non-conformity may attract negative marking in a manner that the Competition Administrator will deem fit in accordance with the criteria set out in the Penalty Score Sheet in Schedule 3. A Negotiation Plan must:
- (A) only be typed on a plain white A4 paper with black ink;
 - (B) be no more than two pages long (excluding a front cover and back cover);
 - (C) only use the following format: Times New Roman, size 12, single line spacing, 1 inch or 2.54 centimetres margin on all sides (no text must be placed within this margin of the page, other than the page number);
 - (D) not use footnotes; and

- (E) not disclose the names of the team members, coach, institution or country in any manner, and, in order to maintain anonymity, the Negotiation Plan shall only contain the allotted team code for identification.

6.1.5 Penalties attracted for violation of Rule 6.1.4 above may be appealed by the Participating Team in person at the time allotted for such appeal in the competition schedule.

6.2 **Submission**

6.2.1 The Negotiation Plans for all Preliminary Rounds Negotiation Simulations must be submitted to the Competition Administrator by email with .doc or .docx file extension on or before the Submission Date. Failure to comply with the Submission Date deadline will attract penalty.

6.2.2 The Participating Teams will not be permitted to modify their Negotiation Plans after the submission to the Competition Administrator.

6.2.3 The Participating Teams are not required to provide a hardcopy of the Negotiation Plans. The Competition Administrator will provide printouts of the Negotiation Plans of each Participating Team and will ensure that the copies of the Negotiation Plans reach the Judges of the corresponding round.

6.3 **Evaluation**

6.3.1 The Competition Administrators will use reasonable efforts to ensure that the Negotiation Plans for the Preliminary Rounds are evaluated before the Negotiation Sessions by external judges.

6.3.2 Subject to any penalty levied, the score received for a Negotiation Plan will count towards that Participating Team's overall score in the specific Negotiation Session.

7. **JUDGES**

7.1 **General**

NLU Delhi and HSF will be responsible for selecting the Judges for the Competition and for allocating them to a Negotiation Session in each round of the Competition. Every attempt will be made for the Participating Teams to face different Judges in each round; however due to limited availabilities, this might not always be possible.

7.2 **Judging Criteria**

The Judges will evaluate and score the performance of the Participating Teams according to the judging criteria (the "**Judging Criteria**") which will include the following:

7.2.1 **Negotiation Plan**

The Negotiation Plan shall contain:

- (A) that party's objectives and goals for the Negotiation Session;
- (B) a case analysis evaluating the respective strategic strong and weak points of both the parties; and
- (C) each party's respective needs and interests, and BATNAs and WATNAs.

The Negotiation Plan shall also briefly set out what the relevant party has in mind before entering the Negotiation Session. The Negotiation Plan is used to assess whether teams have understood the complexity of the Negotiation Simulations and accordingly determine the soundness of the solutions proposed by them. It is also used to question the teams about their overall strategy.

7.2.2 Introduction and identification of issues

Each Participating Team must provide an accurate assessment of the fact situation and identify the key issues for each of the parties at the beginning of the Negotiation Session. The introduction can be used to set the agenda or structure for the Negotiation Session.

7.2.3 Team work

The Negotiation Session should ideally have equal contribution by the four participants. Counsels are expected to focus on the legal and technical issues in the negotiation and the Clients are expected to focus on the commercial aspects and take final decisions on the issues.

7.2.4 Building relations with the other party

Whilst teams should stick to their respective interests, they should also recognise and appreciate the position and interests of the other party. Participants should aim to develop a positive environment for communication.

7.2.5 Generation of creative legal solutions

Teams are encouraged to think out of the box and come up with creative legal solutions.

7.2.6 Analysis of interests and answering questions during the feedback session

Teams should be:

- (A) in a position to identify their main interests for the Negotiation Session; and
- (B) able to explain the strategies adopted, solutions suggested and rationale thereof to the Judges.

7.3 Best interests and settlement

The Participating Teams are encouraged to act in the best interests of the party they represent during a Negotiation Simulation. It is not necessary that the Participating Teams reach a settlement during the Negotiation Session.

7.4 Questioning by Judges

After completion of 60 minutes in a Negotiation Session, the Judges may ask each team questions relating to their negotiation strategy and their actions during the Negotiation Session. During this part of the session, the Judges may not reveal to any Participating Team the results of their individual determinations, the Participating Teams' scores or the contents of the Confidential Information.

7.5 Number of Judges in each round

There will be at least one Judge for each Preliminary Round and at least two Judges for the Quarter-Final, Semi-Final and the Final Rounds. The Competition Administrator will use their reasonable efforts to ensure that all teams will be judged by the same number of Judges within each round.

8. RANKING AND PROGRESSION

8.1 Ranking

8.1.1 Each judge will mark the team according to the Judging Criteria outlined in the Competition Rules or otherwise communicated by the Competition Administrator to the Participating Teams. The team that secures the higher number of points on a particular judge's Score Sheet will be the winner on that judge's Score Sheet.

- 8.1.2 The Judges will be informed that they cannot mark both teams with an equal score and must necessarily give higher marks to one of the two teams.
- 8.1.3 At the end of the Preliminary Rounds, the Participating Teams will be ranked based on the following criteria:
 - (A) the total number of overall points scored;
 - (B) in the case of a tie, the total number of Score Sheets designating a "Win";
 - (C) and in case there continues to be a tie, the lowest total of the differentials between the number of points scored in each Negotiation Session (where relevant).

8.2 Progression

- 8.2.1 The eight top ranked Participating Teams from the Preliminary Rounds will advance to the Quarter-Final Rounds.
- 8.2.2 The Quarter-Final, Semi-Final and Final Rounds of the Competition shall be knock-out rounds. In each of these rounds, Participating Teams will be ranked based on the following criteria:
 - (A) the total number of Score Sheets of that round designating a "Win";
 - (B) in the case of a tie, the total number of points scored in that round;
 - (C) and in case there continues to be a tie, their ranking in the Preliminary Rounds of the Competition.
- 8.2.3 The higher ranked team in each of the Quarter-Final Rounds will advance to the Semi-Final Rounds. The higher ranked team in each of the Semi-Final Rounds will advance to the Final Round. The higher ranked team in the Final Round will be declared the winner of the Competition.

9. AWARDS

9.1 Categories

The Competition will involve the following:

9.1.1 Winner's Trophy

To be awarded to the Participating Team declared as the winner of the Final Round of the Competition, which will include a cash prize.

9.1.2 Runner-up Trophy

To be awarded to the Participating Team coming in second in the Final Round of the Competition, which will include a cash prize.

9.1.3 Best Negotiator

To be awarded to the individual who has received the highest cumulative score in the Preliminary Rounds, which will include a cash prize.

9.1.4 Best Negotiation Plan

To be awarded to the team with highest average score of the two Negotiation Plans of the Preliminary Rounds, which will include a cash prize.

9.1.5 Spirit of the Competition Award

To be awarded to the team which best represents the spirit of negotiation and communication in its interaction with other teams during the Competition, which will be decided by a vote amongst the Participating Teams, and which will include a certificate.

9.1.6 **Certificate of Participation**

To be awarded to each member of all Participating Teams.

9.2 **Awards ceremony**

All Participating Teams shall attend the awards ceremony, which will be held on the last day of the Competition. No competition awards, including Certificates of Participation, shall be awarded in absentia.

10. **DISQUALIFICATION**

10.1 Subject to the discretion of the Competition Administrator, the following may result in disqualification of a Participating Team and/or the University being represented by the Participating Team:

10.1.1 change in the composition of the Participating Team once communicated to the Competition Administrator;

10.1.2 an appointment of a coach which is in breach of the Competition Rules;

10.1.3 disclosure, in any manner whatsoever, of Confidential Information relating to a Negotiation Simulation to any other Participating Team or otherwise;

10.1.4 failure to submit the Negotiation Plan in accordance with the Competition Rules;

10.1.5 failure to comply to the dress code;

10.1.6 failure to attend any Competition-related event, including the welcome address and the valedictory; and

10.1.7 non-compliance with the Competition Rules.

10.2 All disqualification-related correspondence shall be formally communicated to the University of the Participating Team by the Competition Administrator.

11. **PENALTY**

11.1 The Competition Administrator may impose penalty of a maximum of 20 marks if the Participating Team fails to:

11.1.1 adhere to time limits set out in the Competition Rules or otherwise communicated by the Competition Administrator to the Participating Team; or

11.1.2 stay within a reasonable interpretation of the Negotiation Simulation.

12. **MISCELLANEOUS**

12.1 **Language**

The official and only language of the Competition is English.

12.2 **Access to Score Sheets**

At the end of the Preliminary Rounds, each Participating Team that does not advance to the Quarter-Final Rounds will get access to its Score Sheets on request. Following that, the Participating Teams that get eliminated from the Quarter-Final and Semi-Final Rounds will get access to their Score Sheets post elimination.

12.3 **Notification to the Competition Administrator**

The submission of the Negotiation Plans, queries and clarification in relation to the Negotiation Simulations and any other questions/requests must be submitted to hsf.nc@nludelhi.ac.in.

12.4 **Notification to the Participating Team**

If any one of the members of a Participating Team is notified or informed of any detail or information concerning the Competition, it will be deemed that the said Participating Team as a whole has been duly notified or informed.

12.5 **Accommodation**

12.5.1 NLU Delhi will provide accommodation to the Participating Teams only for the Competition Dates. Accommodation may be provided on or off campus at the discretion of NLU Delhi.

12.5.2 NLU Delhi may, at its discretion, provide accommodation to anyone accompanying the Participating Team if the same is intimated to the Competition Administrator at least a month before the Competition Date and provided that such additional member will agree to bear an additional expense levied by NLU Delhi. This additional member must be a Team Coach approved by the Participating Team's University, but will not be considered a part of the Participating Team.

12.6 **Time**

Any reference to time in the Competition Rules will be construed as a reference to Indian Standard Time.

12.7 **Dress Code**

Members of Participating Teams should be dressed in formal dress for the duration of the Competition, including for the welcome address and the valedictory.

12.8 **Sponsorship**

For reasons of transparency, HSF and NLU Delhi shall not provide sponsorship of any nature to any of the Participating Teams, except to the extent of facilitating the participation of a dummy team due to an odd-number of Participating Teams.

12.9 **Withdrawals and blacklisting**

The Competition Administrator may, at its discretion, blacklist a team and/or the University of a team from participation in future editions of the Competition if that team or the University of that team unjustifiably withdraw from the Competition after having committed to participate.

12.10 **Residual**

12.10.1 The Competition Administrator may take such other measures as are required for the orderly and fair conduct of the Competition.

12.10.2 The Competition Administrator's interpretation as to the implementation of the Competition Rules is final and conclusive.

SCHEDULE 1

DEFINITIONS

"BATNA" means the Best Alternative to a Negotiated Agreement, and refers to what is the best step for a party to take, if the Parties fail to reach an agreement.

"Competition" means the HSF – NLU Delhi International Negotiation Competition.

"Competition Administrator(s)" means the person(s) in-charge of organising and managing the Competition.

"Competition Date(s)" means the dates communicated by the Competition Administrator.

"Competition Rounds" means the Preliminary Rounds, the Quarter-Final Rounds, the Semi-Final Rounds, the Final Round and any other rounds that the Competition Administrator may so designate.

"Competition Rules" means these rules of the Competition.

"Confidential Information" means certain factual information in relation to a Negotiation Simulation that is provided exclusively to only one party.

"Eligible Student" means a person who:

- (a) is enrolled in a full-time law degree on 1 September of the year of the Competition at the university which has agreed to participate in the Competition;
- (b) is not entitled to practice law in any jurisdiction, by having passed a bar exam or otherwise; and
- (c) has not participated in any previous edition of the Competition,

provided, however, that the Competition Administrator may upon the written request of a Participating Team waive of any of the requirements of sub-clauses (a) to (c).

For the avoidance of doubt, a person who has gained his or her qualification to practice law automatically with the completion of his or her law studies (i.e. without a further bar exam or similar) and who certifies that he or she has not yet practised as a lawyer (i.e. provided legal advice to clients) is an Eligible Student.

"Final Round" means the round in which the qualifying two teams from the Semi-Final Rounds will compete.

"General Information" means the factual information in relation to a Negotiation Simulation that is provided to both the parties.

"HSF" means Herbert Smith Freehills LLP.

"Judge" means a lawyer or an academician nominated and/or selected by the Competition Administrator who evaluates and scores the performance of Participating Team during a Negotiation Session in accordance with the Competition Rules.

"Judging Criteria" has the meaning given to it in Rule 7.2.

"Negotiation Plan" has the meaning given to it in Rule 6.1.

"Negotiation Session" means a period of 80 or 90 minutes (which may be extended at the discretion of the Judges) during which the Participating Teams will negotiate a Negotiation Simulation.

"Negotiation Simulation" means an official case distributed by the Competition Administrators to the Participating Teams, which may be supplemented or amended with any subsequent clarifications, and which the Participating Teams will use as the basis of the Negotiation Session.

"NLU Delhi" means National Law University Delhi of Sector-14, Dwarka, New Delhi, India - 110078.

"Participating Team" means a group of two Eligible Students accepted by the Competition Administrator to participate in the Competition.

"Penalty(ies)" means points deducted for any violation of the Competition Rules.

"Penalty Score Sheet" means the sheet enclosed at Schedule 3.

"Preliminary Rounds" means the first two rounds of the Competition.

"Quarter-Final Rounds" means the rounds in which the qualifying eight teams from the Preliminary Rounds will compete.

"Score Sheet" means the sheet enclosed at Schedule 2.

"Semi-Final Rounds" means the rounds in which the qualifying four teams from the Quarter-Final Rounds will compete.

"Submission Date" means the date to be communicated by the Competition Administrators for the submission of Negotiation Plans.

"WATNA" means the Worst Alternative to a Negotiated Agreement, and refers to what is likely to be the worst outcome for a party, if the Parties fail to reach an agreement.

SCHEDULE 2

SCORE SHEET (NEGOTIATION SESSION)

Match-up: Team _____ v. Team _____

Room No: _____

CRITERION	TEAM _____		TEAM _____	
	_____	_____	_____	_____
Introduction and identification of issues (10) (Excellent: 9 - 10; Very Good: 7 – 8; Good: 5 – 6; Average: 3 – 4; Below Average: 0 – 2)				
Team work (10) (Excellent: 9 - 10; Very Good: 7 – 8; Good: 5 – 6; Average: 3 – 4; Below Average: 0 – 2)				
Building relationship with other party (20) (Excellent: 18 - 20; Very Good: 15 – 17; Good: 11 – 14; Average: 7 – 10; Below Average: 0 – 7)				
Generation of creative legal solutions (10) (Excellent: 9 - 10; Very Good: 7 – 8; Good: 5 – 6; Average: 3 – 4; Below Average: 0 – 2)				
Analysis of relevant interests (20) (Excellent: 18 - 20; Very Good: 15 – 17; Good: 11 – 14; Average: 7 – 10; Below Average: 0 – 7)				

Feedback/ Questions Session (10) (Excellent: 9 - 10; Very Good: 7 – 8; Good: 5 – 6; Average: 3 – 4; Below Average: 0 – 2)				
Participant(s) Total (80)				

Winner: _____

Judge's Name and Signature: _____

SCHEDULE 3
PENALTY SCORE SHEET (NEGOTIATION PLAN)

Team: _____ Round: _____

Penalties incurred in accordance with Rule 6 and/or Rule 11 of the Competition Rules.

Basis for Penalty	Penalty per violation	Penalty incurred
A4 paper size (<i>Rule 6.1.4(A)</i>)	2	
Plain white paper with black ink (<i>Rule 6.1.4(A)</i>)	2	
Two page limit (<i>Rule 6.1.4(B)</i>)	5 per page	
Font requirements (Times New Roman, size 12) (<i>Rule 6.1.4(C)</i>)	2	
Spacing – text (<i>Rule 6.1.4(C)</i>)	2	
Margins (<i>Rule 6.1.4(C)</i>)	2	
Use of footnotes (<i>Rule 6.1.4(D)</i>)	2	
Breach of anonymity of Negotiation Plan (<i>Rule 6.1.4(E)</i>)	5	
Late submission (<i>Rule 6.2.1/ Rule 11</i>)	5 per hour	