



# **2023 Transatlantic Negotiation Competition Rules**

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# **RULES OF THE TRANS-ATLANTIC NEGOTIATION COMPETITION**

## **RULE 1. INTRODUCTION**

The TransAtlantic Negotiation Competition is intended to promote greater interest among law students in legal negotiation beyond their territorial borders and provides a means for them to practice and improve their negotiating skills. The competition simulates legal negotiations in which law students, acting as lawyers, negotiate a series of legal problems. The problems consist of a common set of facts known by all participants and confidential information known only to the participants representing a particular side.

## **RULE 2. ADMINISTRATION**

The Syracuse University College of Law Advocacy Honors Society and the Alternative Dispute Resolution Society of Queen's University Belfast ("Host Schools") conduct this competition. The competition webpage is located at <http://law.syr.edu/academics/advocacy-program/the-transatlantic-negotiation-competition/>.

The competition is conducted 100% virtually through the Zoom platform. It is each school's responsibility to ensure access to the Zoom platform, as well as a steady internet connection for the duration of the competition.

## **RULE 3. REGISTRATION AND ELIGIBILITY**

### **A. Registration Process**

To enter the competition, a team must find a faculty member to serve as an advisor and field a team of two – four competitors. Teams must submit entry forms no later than the announced deadline. In addition, payment must be received by the entry deadline. If payment is not received, the school's registration may be canceled. Acceptance of entry forms received after the announced deadline is at the discretion of the Host Schools.

### **B. Cancellation**

If a law school that has entered the competition decides not to compete, that law school must notify the Host Schools as soon as possible. Teams that cancel before the competition entry deadline will receive a refund of the entry fee, so long as the email was received by the competition entry deadline. Teams that cancel after the registration deadline will not receive a refund.

## **RULE 4. COMPETITION TEAMS**

A team consists of two to four law students attending the same law school. Teams in excess of two, may rotate student-lawyers each round of competition, however, they may not rotate in or out in a single round. The registration form and fees are available on the website: <http://law.syr.edu/academics/advocacy-program/the-transatlantic-negotiation-competition/>. Each school may select its team in any way it chooses. An intra-school competition is highly recommended.

### **A. Team Name-Submission**

Each school must submit a complete list of team members by the Team Name Submission deadline of March 1<sup>st</sup>, 2023. This list should include all team members. Due to life's uncertainties, schools are highly encouraged to register more than two students. Schools will not be allowed to register additional students after the posted deadline, even if an unavoidable circumstance, such as death in the family, birth of a child, emergency surgery, etc., occurs after the deadline.

### **B. Ghost Teams**

If an uneven number of teams competes, a ghost team (sometimes referred to as a bye team) may enter the competition. That ghost team must comply with all competition rules; however, the ghost team cannot advance past the preliminary rounds. The Host Schools must approve a ghost team's participation.

### **C. Team Cancellation**

The possibility always exists that because of illness or other emergency a team will cancel its participation immediately prior to or on the day of the competition. The Host Schools will attempt to identify an additional team to replace the cancelling team. The Host Schools will seek another registered team to split to compete as single-person, or two-person teams during the preliminary rounds of the competition. In seeking another registered team to split, the Host Schools will follow this process:

Identify the teams representing the same problem side as the cancelling team. Only these teams are eligible to be split.

1. The Host Schools will ask for volunteers.
2. If more than one team volunteers, the team will be chosen by lot.
3. If no team volunteers, the team will be chosen by lot from all teams representing the same problem side as the cancelling team.

### **D. Advancement of Single-Person Team(s)**

If only one of the single-person teams qualifies for the final round of the competition, that team's members may re-join to compete as a two-person team. If both single-person teams qualify for the final round, then both shall proceed as single-person teams. If a single-person team under this rule begins competing, the absent team forfeits.

## **RULE 5. FACULTY COACHES/ADVISORS**

Each team is encouraged to have one or more coaches. A coach may be a full or part-time faculty member, law student, lawyer, or mediation or negotiation professional approved by a law school to coach the students.

If possible, a coach or faculty advisor should accompany the team to the competition, and more than one coach may attend the competitions. The same or a different coach may attend the competition. Faculty coaches, advisors, alumni, or any attorneys who assist in preparing a competing team for the competition, including guest judging, are prohibited from judging or assisting in the administration of competitions in which their teams are competing. In addition, members of the Host Schools organizing the competition may not be coaches or competitors in the competition; non-organizing members of the Host Schools are eligible to compete provided no information is shared between organizers and non-organizers. It is the team's responsibility to ensure that anyone who provides

assistance to the teams knows they cannot volunteer to judge. They are also prohibited from attending the competition judges' briefing.

Violation of this rule may result in a penalty at the discretion of the Host Schools.

## **RULE 6. COMPETITION PROBLEMS**

### **A. Release of Problems for Preliminary, Semi-Final, and Final Rounds**

Approximately three weeks before the competition, each participating school will receive the problems for the two preliminary, semi-final, and final round. The problems will consist of the following: A common set of facts known by all competitors, which will be labeled General Information for All Parties; and Confidential information known only to the competitors who represent a particular side. As this competition is intended to provide an international negotiation environment between United States law schools and others in the world, the rounds have been coordinated such that a U.S. law school will always face a non-U.S. law school and vice versa. Due to this unique structure, each team will receive the general and confidential facts for every round of the competition.

Legal background material or citations may be provided to competitors. In some instances, additional research may be not be required. Judges will have access to all problem materials provided to competitors. Judges will also receive a Judges' Summary.

### **B. Access to Confidential Information for Both Sides**

No one having access to confidential information for both sides may act as a coach or competitor. Similarly, no one having access to confidential information for both sides can share such information with coaches or competitors.

### **C. Facts and Controlling Law for the Negotiation Problems**

Although the competition problems may refer to actual places, for purposes of the competition, assume that there is no mandatory authority unless expressly stated in the problem(s).

The persons and events depicted in the problems are purely fictional and are prepared solely for the educational exercise being conducted in the competition. Any resemblance to actual persons, living or deceased, is unintentional and purely coincidental.

### **D. Questions About Negotiation Problems**

Submission of inquiries relating to the problems must be submitted by the date provided at the time of the problem distribution.

Coaches/faculty advisors will be required to submit the following information when seeking clarification:

- Law school name,
- Problem side/party represented,
- Whether the inquiry involves general facts or confidential facts, and
- Page number where the information requiring clarification is located.

**Clarifications will be provided only if absolutely necessary—as determined by the Host Schools—to clarify a bona fide and fundamental question.** If any such question is identified, the

Trans-Atlantic Negotiation Competition Faculty Director will send a clarifying answer to either all designated faculty advisors or those faculty advisors representing the affected side. Host Schools will not answer questions about the problem at the competition.

### **E. Ownership of Negotiation Problems**

The Host Schools are responsible for developing the negotiation problems for the competition. The copyright to all negotiation competition problems is held by the Host Schools and copyright protected under United States copyright laws. Audio, visual, or written versions may NOT be posted online or distributed in any manner or format without express written permission from the Host Schools. Failure to comply with this requirement may result in immediate disqualification from the competition and notice to your law school administration.

## **RULE 7. COMPETITION SCHEDULE**

The competition consists of five rounds: two preliminary rounds, one quarter final round, one semi-final and one final round. Each team will negotiate twice, once in Preliminary Round 1 and once in Preliminary Round 2. After the two preliminary rounds, the four U.S. teams and the top four non-U.S. teams will advance to the quarter final of the competition. The U.S. team with the highest score in the preliminary rounds will face off against the non-U.S. team with the second highest score, the non-U.S. team with the highest score in the preliminary rounds will face off against the U.S. team with the second highest score. The highest scoring U.S. and non-U.S. team will move onto to each additional round of the competition.

Due to the international aspect of the competition, the schedule will be drafted after the registration deadline, with focus being placed on ensuring time differences are not extreme or placing any competitor at a disadvantage. The schedule will be sent to competitors at the same time the problems are released.

### **A. Required Events at Competitions**

The following events must take place at each regional competition and at the national competition:

#### **1. Team Orientation Video**

Prior to the competition the host school will email a video introduction to all teams. Teams are responsible for viewing the video and must adhere to any rules or other information noted in the video.

#### **2. Judges' Briefing Session**

Judges must be briefed before each competition round in conformity with the TransAtlantic Negotiation Competition Instructions for Briefing Judges.

#### **3. Conflicts Check**

Before each competition round, ALL teams, including teams competing in the second session of the round, must report to their scheduled competition room for a conflicts check with the judges. Absent extraordinary circumstances, a team who fails to appear for a conflicts check will receive a penalty of 5 points per scoring ballot for that round. If there is a conflict, the team failing to appear also will lose the conflicted judges' scoring ballots.



#### **4. Announcement of Preliminary Round Results**

A reception or informal gathering will held following the conclusion of the Preliminary Round 2. At that time, the four teams advancing to the semi-final round of the competitions will be announced.

**After the announcement, the competition administrator must distribute a copy of the tally sheet to each team that indicates all teams' win/loss record, the number of winning/losing ballots, and any necessary tie-breaking procedures.** The coaches will have ten minutes from the distribution of the tally sheet to file a challenge, as described below in **Rule 7(A)(5)**. Host Schools must also distribute a copy of the judges' Scoring Ballots to each team at this time.

#### **5. 10-Minute Tally Sheet Review Period**

Following the distribution of the tally sheet, there will be a 10-minute Tally Sheet Review Period during which teams must raise any mathematical or scrivener errors that may appear. If a mathematical or scrivener error is identified during the Tally Sheet Review Period, corrections shall be made during an open process, before beginning the semi-final round. No other objections or complaints about the competition can be raised during the Tally Sheet Review Period. Once the Tally Sheet Review period expires, all other computational protests are waived.

#### **6. Announcement of Advanced Round Results**

##### **a. Announcement of Semi-Final Round Results**

The semi-finalists will be announced at the same time following the completion of both semi-final round sessions.

##### **b. Announcement of Final Round Results**

The final round winners will be announced at the same time following the completion of the final round session.

## **RULE 8. NEGOTIATION SESSION FORMAT**

### **A. General Negotiation Format**

The competition will consist of five competition rounds. Each negotiation session will consist of 75 minutes of active competition, followed by 20 minutes for the teams to provide post-negotiation analyses and for judges to score the teams. The overall negotiation format is as follows:

- Required conflicts check for ALL teams, including teams competing in the second session of a round
- a 60-minute negotiation session (which may include one 5-minute break per team that counts towards the 50 minutes);
- a 5-minute period for teams to analyze their performance in private (via Zoom breakout rooms);
- a 10-minute post-negotiation analysis period (5 minutes per team) in the presence of the judges (judges may ask questions during the post-negotiation analysis);
- a 10-minute period when judges complete their scoring ballot and comment sheet for each team; and
- a 10-minute period when judges give oral feedback to both teams simultaneously.

### **B. Post-Negotiation Analysis**

#### **1. Post-Negotiation Analysis Process**

Following the 5-minute preparation for post-negotiation analysis, each team will have 5 minutes to analyze for the judges its performance during the negotiation. This will take place outside the

presence of the opposing team. However, coaches and any other permissible observers for both teams may remain in the room for both self-analyses. The team whose school name is earliest in the alphabet will provide their analysis first.

## **2. Post-Negotiation Analysis Content**

During the 5-minute post-negotiation analysis, competitors should directly address the judges and answer the following question (without being prompted by the judges):

*In reflecting on the entire negotiation, if you faced a similar situation tomorrow, what would you do the same and what would you do differently?*

Judges may ask questions during this post-negotiation session; thus, competitors should be prepared to answer questions from the judges concerning their performance. For scoring purposes, the judges may consider anything said during this session.

## **C. Breaks During Rounds**

Each team may take one break of no more than 5 minutes. The 60-minute negotiating period will continue during any such break. Both teams will be sent to individual Zoom breakout rooms during the break. The break will not be recorded.

## **D. Timekeeping**

Competitors shall be responsible to keep track of the time for each of their rounds. Competitors may use any **non-electronic** device to time the round. Digital or mechanical timers are permitted. (If placed in airplane mode, a cell phone may be used to keep time).

One of the judges on each panel must be selected to keep track of the time. However, responsibility rests with the student competitors to adhere to allotted time periods for negotiating sessions and breaks.

Under no circumstance can the actual negotiation, excluding the post-negotiation analyses and judges' feedback, last longer than 60 minutes. Each half of the negotiation round lasts 1 hour and 35 minutes. The timekeeper judge shall stop the negotiation 60 minutes after the student competitors greet each other, regardless of where students are in the negotiation process.

If volunteers are available, timekeepers may be provided, but no individual identified with a competitor may act as timekeeper in a negotiation involving such competitor. The only exception is if the Host Schools provide timekeepers for all rooms including those in which its teams compete. Judges need not keep time if a timekeeper is provided.

Decisions by the judges as to elapsed time and as to when the negotiation should end are final and non-reviewable.

Responsibility for timekeeping during the post-negotiation analyses rests jointly with the competitors and the timekeeping judge, each having the responsibility to terminate the period at the end of 5 minutes.

## **E. Permissible Team Supplies and Communications During Rounds**

During a negotiation round, competitors may use the following:

- the white-board or share screen function of Zoom.
- any handwritten or typed notes, including charts or graphs, only for their own reference; and
- calculators or stopwatches.

No prepared materials may be shared with the opposing team or judges during the negotiation, or post-negotiation analysis except as specifically authorized by the problem. During the post-negotiation analysis, teams may only reference materials created during the actual negotiation.

Team members may confer with each other during the round via the zoom chat function or any other means. Team members may communicate with each other privately. Teams may likewise communicate with their opponent using the zoom chat function. However, that communication must be publicly viewable.

### **F. Observers' Attendance During Round**

See **Rule 15** Prohibited Communication and Attendance for full details.

Observers, including coaches, faculty advisors, and guests must avoid all communication with competitors until the end of the completed round, which includes both the active minutes of competition, any breaks taken during the round, and the time for the judges' feedback. See **Rule 15(A)**.

Because of the potential for disruption of the competition, all observers of a negotiation session are discouraged from leaving the room from the beginning of the negotiation through the end of the post-negotiation analyses. Permitted observers must keep their camera off and remain muted throughout the entirety of the round.

After the completion of both post-negotiation analyses, all competitors and observers will be sent to Zoom breakout rooms until the judges have completed their Scoring Ballots and are ready to provide oral feedback to the teams, at which time competitors and observers will be brought back to the meeting.

Unless logistically or technologically impossible, when competing in a virtual format, team members must be in separate rooms on separate computers, i.e., team members cannot be in the same room using one computer.

### **G. Team Members Present in the Same Room**

Team members may be present in the same room, using one computer for each round of the competition. Although team members may be present in the same room, they are not required to be. Any Team may elect to compete in the same room or in different rooms, depending on their preference.

## **RULE 9: TEAM IDENTIFICATION AND PRELIMINARY ROUND PAIRINGS**

### **A. Team Identification**

This competition is not anonymous. However, participating schools must notify the Host Schools of any judging conflicts as detailed in **Rule 7(A)(3)**.

## **B. Concerns About Host School's Team(s)**

The Host Schools should endeavor to avoid any appearance of unfairness resulting from hosting the competition.

## **C. Team Pairings**

The competitions will begin with two preliminary rounds. Each preliminary round consists of two individual negotiation sessions. For example, a round could look like this:

- Negotiation Session 1: Teams US 1 & UK 1 negotiate. Judges score Teams US 1 & UK 1 and provide oral feedback.
- Negotiation Session 2: Teams US 2 & GER 1 negotiate. The same Judges score Teams US 2 & GER 1 and provide oral feedback.

The Host Schools will randomly pair the teams for the two preliminary rounds. No team will negotiate against the same team in both the first and second preliminary rounds of the competition.

# **RULE 10. COMPETITION JUDGES**

## **A. Number of Judges**

Each round should be observed and evaluated by a panel of *no fewer* than three judges, at least two of whom must be lawyers. The professional activities of any non-lawyer judge should regularly involve negotiation. To the extent possible, the Host Schools are responsible for selecting judges who are experienced and knowledgeable in negotiation skills.

## **B. Three-Judge Panels**

Each room should have three-judge panels, except for the final round, which can have more than three, but should be an odd number to avoid ties. To the extent possible, each panel should consist of at least one American Judge and one non-American Judge.

In the event there is an insufficient number of judges on the day of competition, and there are fewer than three judges in any room, the scores of the two judges must be averaged to create a third score for that room. Averaging means adding together the scores given by the two judges and dividing by two. The result shall be rounded up or down to the hundredth decimal. For example, an average score of 99.3333 would be 99.33 and a score of 99.6667 would be rounded to 99.67.

In the event of a surplus of judges on the day of competition, BEFORE the round begins the Host Schools must randomly choose the judge(s) whose ballots will not count. The selected judges will not be told their ballots will not count, but once they are collected by the Host Schools, they will be immediately destroyed. This allows the judges to participate in the competition, provide feedback to teams, and obtain any CLE credit for judging (U.S. based judges only).

## **C. Judge Eligibility**

No member of the faculty (full, part-time, or adjunct), administration, or staff of the Host Schools shall act as a judge for a team from that person's law school. And because there is no way to know whether a Host School's teams will advance to the Final Round, to avoid any potential conflicts of interest, no member of the faculty (full, part-time, or adjunct), administration, or staff of the Host School shall act as a judge for the Final Round.

Individuals not associated with the Host Schools who are eligible to judge include: lawyers, law professors, judges, mediators, negotiators, and any other qualified persons as determined by the Host Schools.

#### **D. Interaction with Judges**

Judges shall not interact with the teams during the negotiations; however, they may ask teams questions about the negotiation during that team's post-negotiation analysis.

#### **E. Judges' Feedback**

After completing the Scoring Ballots for each negotiation session, the judges shall meet with both teams in the same room and at the same time. Judges will have a total of only 10 minutes to provide oral feedback to guide the competitors in furthering their negotiating skills.

Judges will be encouraged to provide constructive feedback to help promote an inclusive, educational, and positive experience for all competitors and coaches. See the Judging Standards in Appendix A for the full instructions provided to the judges.

## **RULE 11. SCORING AND JUDGING STANDARDS**

### **A. Scoring and Judging Standards**

Teams are evaluated and scored based on the quality of their presentations and not on the merits of the side they represent. The judges will evaluate each negotiation session based on 6 criteria, each worth 20 points, for a maximum score of 120 points. The criteria are as follows:

1. Cultural Awareness/Cooperation
2. Flexibility & Adaptation;
3. Outcome of Session;
4. Teamwork;
5. Relationship with Opposing Team; and
6. Post-Negotiation Analysis.

Judges will also determine whether the teams negotiated ethically.

For each judge, the winning team is the team the judge awards the higher number of points, without tying. For each round, the winning team is the one which has received more winning ballots (i.e., 2 of 3 ballots). For rounds with more or less than 3 judges, see **Rule 10(B)** above for creating a third judge's ballot.

To prevent a tie on a single ballot, judges will indicate on their score sheets who they believe won that round. If there is a tie on the score sheet, the winning team indicated on the ballot will receive one point to serve as a tie breaker.

### **B. Collecting Judges' Scoring Ballots**

After each negotiation session, the judges' Scoring Ballots must be collected by the Host Schools *before* the judges give feedback to the teams.

### **C. Ranking Teams After Preliminary Rounds**

To determine which teams will advance out of the preliminary rounds, the Host Schools must create a preliminary round tally sheet to track each team's scores. Once the Scoring Ballots from both preliminary rounds are collected and entered into the tally sheet, the following criteria shall be used to rank teams and to break ties.

1. Win/loss record (this number will be 0, 1, or 2);
2. Number of judges' ballots won/loss (this number will be between 0 and 6);
3. Point differential (which is the total number of points by which each team won or lost against its opponents in the two preliminary rounds—the higher the point differential, the higher the team will be ranked);
4. Overall raw score for each round; and, finally,
5. Random coin toss.

### **D. Advanced Round Scoring**

The Final Round will be scored as a head-to-head negotiation session. The winner of the head-to-head negotiation session is determined by the number of judges' ballots each team wins.

### **E. Scoring for Single-Person Teams for Criteria 4 (Teamwork Score)**

In the event of a single-person team, the judge will average criteria 1, 2, 3, 5, and 6, and enter that result (to the nearest whole number) as the teamwork rating on the Scoring Ballot.

### **F. Distribution of Judges' Scoring Ballots**

Each team shall receive a copy of the Scoring Ballots for their team from every round. The Host Schools shall distribute the judges' Scoring Ballots, along with the preliminary round tally sheet to the competitors before the 10-minute Tally Review Period at the conclusion of the two preliminary rounds.

## **RULE 12: ADVANCE ROUND PAIRINGS**

### **A. Semi-Final Advancement**

After the two preliminary rounds, the top two U.S. and two non-U.S. teams will advance to the semi-final round.

The semi-final round will be held in one room with two negotiation sessions back-to-back. The team, either U.S. or non-U.S., ranked first overall (highest total points) will choose whether to negotiate against its opponent during the first or second negotiation session; the other two teams will compete in the other negotiation session. The first-ranked U.S. team will negotiate with the second-ranked non-U.S. team, and the first-ranked non-U.S. team will negotiate with the second-ranked U.S. team.

### **B. Finals Advancement**

At the end of the semi-final round, the highest scoring U.S. and non-U.S. team will move on to the final round.

## **RULE 13. REPORTING AND RESOLVING COMPLAINTS, VIOLATIONS, AND DISPUTES**

### **A. Process for Filing a Complaint at the Competition**

Any violation that may affect the results should be resolved on the day of the competition by the Host Schools. Complaints must be filed as soon as practicable with a representative of the Host Schools after the completion of the round that is the subject of the complaint. Competitors and faculty advisors/coaches waive the right to appeal any matter arising in the course of a competition round by failing to file a timely objection with the competition administrator. Every effort should be made to file a complaint while the judges are still available for consultation.

### **B. Fact-Gathering Committee**

The Host Schools, after learning of a complaint, may request that a small committee be assembled to help gather facts about the issue. The committee would be comprised of 2 to 3 persons selected by the host schools to hear the complaint.

### **C. Scope of Violations the Host Schools May Consider**

In general, the Host Schools will not hear any appeal relating to an alleged violation that is within the discretion of the judges.

*Rules violations other than those within the judges' discretion.* With respect to complaints not related to an alleged ethics violation identified by the judges (including ethical violations discovered later, but not identified by judges), the Host Schools have full discretion to determine appropriate sanctions. In assessing the severity of the penalty, the Host Schools should consider whether the complained of conduct was purposeful or inadvertent and whether it resulted in substantial prejudice affecting the result. Possible dispositions for valid complaints range from reprimands to assessment of penalty points to disqualification.

*Potential ethical violations.* In the event a judge observes a potential ethical violation, the judge must briefly explain the unethical conduct on the judge's Scoring Ballot, and the competition administrator must contact a member of the Host Schools to discuss the conduct before any sanction can be imposed on a team.

### **D. Team Disqualification**

If the Host Schools disqualify a team, all teams below the disqualified team shall move up one place in the standings. In the event that the Host Schools assess a team with penalty points, the penalty points will be subtracted from the affected team's overall score.

### **E. Host Schools Decisions Final**

The decision of the Host Schools will be final.

## **RULE 14. ASSISTANCE AND IN-ROUND COMMUNICATION**

Prior to the competition, a team may receive advice and suggestions from any source, including practicing lawyers, faculty members, and team coaches. During the competition, coaches and faculty advisors may advise, communicate with, and observe their teams only as provided in these Rules.

# **RULE 15. PROHIBITED COMMUNICATION AND ATTENDANCE**

## **A. Communication**

### **1. Prohibited Communication During A Round**

*Communications with competitors.* No one, including team coaches and other persons associated with a team or competitor, may give advice or instructions to, or attempt to communicate in any other way, including using any form of technology, with any of the competitors during the period from commencement of the pre-negotiation analyses through the completion of the judges' feedback to the teams.

*Communications with judges.* Team coaches, competitors, and other persons identified with a team or competitor may not speak to a judge from the commencement of the negotiation until the completion of the judges' feedback to the teams. Competitors may respond to questions about the negotiation posed by the judges during the post-negotiation analysis session, but are reminded to only reference materials created during the actual negotiation. Additionally, competitors may not ask questions of the judges during the round until the feedback period, and then only if the judges grant permission.

### **2. Consequences of Engaging in Prohibited Communication**

The mere act of communication or receipt of information proscribed by this Rule will constitute a violation, regardless of the substance thereof and regardless of whether initiated by a competitor or by any other person affiliated with a competitor. Violation of this Rule may result in disqualification by the Host Schools (See **Rule 13** for procedures). Harmless error will not be a defense to a complaint based on violation of this rule because of the appearance of impropriety occasioned, even by casual exchanges unrelated to the substance of the negotiation.

## **B. Access to Confidential Information for Both Sides**

No one having access to confidential information for both sides may act as a coach or competitor. Similarly, no one having access to confidential information for both sides can share such information with coaches or competitors.

## **C. Attendance**

### **1. Attending Rounds**

Competitors may attend only their scheduled negotiation sessions. No person associated with a competitor, such as coaches, family members, or close friends, may attend a negotiation session other than a session in which that school's team is involved, until the team from the school has been eliminated from the competition. Mere membership in a student body does not constitute association with a competitor. At all times, it is the competitor's responsibility to comply with **Rule 18** and to refuse any attempts at prohibited communication. Attendance proscribed by this rule will constitute a violation, which may result in disqualification. Please see **Rule 13** for procedures.

### **2. Scouting Prohibited**

Scouting in any form is strictly prohibited. Scouting is the observation and sharing of information with a competitor about another team in the competition, during the competition, whether intentional or inadvertent. The responsibility rests on the team to refuse any attempted prohibited communication.



### **3. Attending Final Round**

Teams that have already been eliminated may attend the final round.

## **RULE 16. VIDEO RECORDING**

The Final Round of the competitions may be video recorded and/or live-streamed. A student's decision to enter and participate in the competition constitutes consent to video recording. As a condition of publication and for no monetary compensation, this consent grants the Host Schools the nonexclusive worldwide rights to reproduce, distribute, and sell any visual material in connection with the student's participation, in whole or in part, in any media, as part of a course book or any other publication published under the auspices of the Host Schools and to license these rights to others. Consent also grants the Host Schools the right to use student's name, voice, and image in connection with the published competition materials.

No video or audio recording by teams or spectators is permitted.

## **RULE 17. AWARDS**

The Champion and runner-up of the competition will receive a trophy for the school. Semi-finalists of the competition will receive a trophy for the school. Additional awards, such as Best Advocate or Most Creative Solution, may be awarded at the discretion of the Host Schools.

## **RULE 18. PROFESSIONAL CONDUCT**

In general, the ABA Model Rules of Professional Conduct (see Appendix B for copy of cited rules) govern the conduct of all participants including students, faculty advisors, team coaches, administrators, and observers. Thus, everyone who participates in or observes a negotiation competition is expected to uphold the highest level of professionalism during the competition and at all competition-related events.

Although Comment 2 to Model Rule 4.1 (Truthfulness in Statements to Others) explains that a party's intentions as to an acceptable settlement of a claim are ordinarily not taken as statements of material fact, when negotiating, competitors should not misrepresent their authority to settle as expressed in the negotiation problems. Not misrepresenting one's authority upholds the integrity of the competition.

In addition to violations under **Rule 13**, the Host Schools may consider and sanction any violations of professional conduct during the competition or any competition-related activity. Possible sanctions for violations range from reprimands to loss of rank to revocation of an invitation to the national competition.

## **RULE 19. RULES INTERPRETATION**

The Host Schools, in their sole discretion, shall interpret these Rules and may create additional rules to govern situations not covered by these rules and to ensure fairness in the competition. Its decisions are final.

The Host Schools and competition judges shall apply these rules during the competitions. Their decisions are final unless properly challenged and reviewed in accord with **Rule 13**.

## **RULE 20. ADDITIONAL TERMS AND CONDITIONS**

This competition is governed by United States law and all relevant federal, state and local laws and regulations apply. By entering, all participants agree that the competition shall be governed by the laws of the State of New York, that the courts of New York shall have exclusive jurisdiction, and that Onondaga County, New York shall be the venue for any dispute or litigation arising to or arising from the competition. This competition is void where prohibited by law.

By participating, each entrant agrees with these Competition Rules and the decisions of the Host Schools, and releases and discharges the Host Schools, subsidiary and affiliated entities, and each of their respective officers, directors, members, employees, independent contractors, agents, representatives, successors and assigns (collectively, "Sponsor") from any and all liability whatsoever in connection with this Competition, including without limitation, legal claims, costs, injuries, losses or damages, demands or actions of any kind (including without limitation personal injuries, death damage to, loss or destruction of property, rights of publicity or privacy, defamation, or portrayal in a false light) (collectively, "Claims"). Except where prohibited, acceptance of a prize constitutes a release by any winner of the Sponsor of any and all Claims in connection with the administration of this Competition and the use, misuse or possession of any prize. Sponsor is not responsible for errors or for lost, late, or misdirected mail or email, or telecommunication or hardware or software failures, including by reason of any bug or computer virus or other failure. Sponsor may cancel, modify or terminate the Competition if it is not capable of completion as planned, including by reason of infection by computer virus, tampering, unauthorized intervention, force majeure or technical difficulties of any kind.

## **RULE 21. INFORMATION**

Questions about the Trans-Atlantic Negotiation Competition should be directed to:

Syracuse University College of Law  
Advocacy Honors Society  
Todd Berger, Faculty Advisor  
taberger@law.syr.edu

or

Queen's University Belfast  
Alternative Dispute Resolution Society  
adr-soc@qub.ac.uk

Competition information is also available on the competition's web site at  
<http://law.syr.edu/academics/advocacy-program/the-transatlantic-negotiation-competition/>.

## **RULE 22. Modifications and Clarifications**

These rules may be modified or clarified via emails sent by the host schools. Modifications or clarifications of these rules sent via email are binding on the competitors. If an email modification or clarification is sent to the email address provided to the competition committee, it is not a defense for an offending school to claim it was unaware of the email modification or clarification.