

**2023  
TRANSACTIONAL  
COMPETITION**

**RULES AND  
PROCEDURES**

ADVOCACYPROGRAM  
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**LSU Law**

**ADVOCACY PROGRAMS**

# RULE 1: TEAM COMPOSITION

A **Transactional Team ("Team")** consists of 2 attorney advocates.

Attorneys must be LSU Law 2Ls, 3Ls, joint-degree students, or LLM students.

*(LLM students must have permission from Prof. Brooks and Prof. Moreteau to compete.)*

Each Team will be **assigned a side** for each round of the competition by the Board of Advocates after they register.

Each Team will be **assigned a team number** by the Board of Advocates after they register.

A Team must include their team number in all communications with the Board.

Each Team must inform the BOA of all **scheduling conflicts** at least 72 hours before the date of the 1<sup>st</sup> Preliminary Round.

The BOA will accommodate conflicts where possible.

If a Team withdraws within 24 hours of a scheduled negotiation, or if it fails to appear for a negotiation, that T-Team shall be considered to have **forfeited** the competition.

Team members are warned that **withdrawals and forfeits without good cause** may result in restrictions on their further participation in Advocacy Programs competitions and programs.

## RULE 2: GENERAL & CONFIDENTIAL INFORMATION

At the center of the negotiations will be the **General Information**. All Teams will be provided with the General Information, which can be found on the Competition website.

**Each round of the competition has its own different General Information.** Facts from one round of the competition are not relevant and shall not be referenced in other rounds.

Prior to each round, the BOA will provide each team with **Confidential Information** for the side they will represent in that negotiation round.

Team members **shall not** share any Confidential Information materials with any person other than their registered teammate, even after they are eliminated from the Competition.

Although the General and Confidential Information may refer to actual places, for purposes of the competition, assume that there is **no mandatory authority** unless expressly stated.

**Scouting is banned.** No participant may attend a negotiation other than the round(s) in which he/she participates. Guests are not permitted in any preliminary round. Anyone may attend the Final Round.

## RULE 3: THE NEGOTIATION SESSIONS GENERALLY

There will be 3 **Negotiation Rounds** in this competition; two preliminary rounds and a final round. Each negotiation round will consist of 75 minutes of active competition, followed by 20 minutes for judges to score the teams and provide written and oral feedback.

### Each negotiation round will proceed as follows:

1. A 10-minute pre-negotiation analysis (5 minutes per team; judges do not ask questions during the pre-negotiation analysis).
2. A 50-minute negotiation session (which may include one 5-minute break per team that counts towards the 50 minutes);
3. A 5-minute period for teams to analyze their performance in private;
4. 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);
5. A 10-minute period when judges complete their scoring ballot and comment sheet for each team; and
6. A 10-minute period when judges give oral feedback to both teams simultaneously.

## RULE 4: PRE- AND POST- NEGOTIATION ANALYSES

An integral part of each Negotiation Round is the **Pre- and Post-Negotiation Analysis**.

Both the Pre- and Post-Negotiation Analysis require that each team present confidential information to the judges.

**A team shall leave the room while their opponent team presents its Pre- and Post-analysis.**

The **Board of Advocates will designate** which team will present their Pre- and Post-Negotiation Analysis first in each round by a random method. This information will be communicated to all teams before the rounds begin.

During a team's 5-minute **pre-negotiation analysis**, the team should directly address the judges and explain the following two items (without being prompted by the judges):

- (a) What are your client's main interests and goals for the negotiation?
- (b) What is your overall negotiation strategy and why?

During a team's 5-minute **post-negotiation analysis**, the team 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 **cannot** ask teams questions during the pre-negotiation analysis.

Judges **can** ask teams questions during the post-negotiation analysis.

## RULE 5: NEGOTIATION ROUNDS, CONTINUED

All negotiations will be conducted **in person at the LSU Law Center**.

Rooms will be assigned by the Board of Advocates.

The Board of Advocates will provide a **timekeeper**/bailiff.

The bailiff shall stop the negotiation 50 minutes after the teams greet each other, regardless of where the teams are in the negotiation process.

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

Teams may use the following, and *only* the following, during their rounds:

- The **dry-erase board** found in their assigned room, and
- **Handwritten or printed notes** (for their own reference only).

Electronic devices of any kind may not be used. Teams may not present any written/printed material to the judges.

Preliminary Round negotiations will be before **a panel of two (2) judges**. Negotiation judges will consist of local judges, attorneys, and/or faculty members.

Current Board of Advocates members may sit as judges in the preliminary rounds in extenuating circumstances.

The sole function of the judge is to observe and evaluate the teams.

Judges are **not allowed to ask or respond to any questions** during the 50-minute negotiation, and they have no authority to make any decisions during the course of any Transactional Competition round.

## RULE 6: SCORING OF NEGOTIATION ROUNDS

For negotiations, judges will be provided with **detailed guidelines** by the Board of Advocates on proper scoring procedures and expectations.

During each negotiation, judges will evaluate **each individual team member** on six criteria:

- Negotiation Planning/Pre-Negotiation Analysis (*Including the pre-negotiation analysis, the team was prepared based on its performance and strategy.*);
- Flexibility & Adaptation (*The team was able to be flexible/adapt its strategy to new information or other team's approach.*);
- Outcome of Session (*Regardless of whether an agreement was reached, the outcome served the client's goals.*);
- Teamwork (*Team members worked together, shared responsibility, communicated, and provided mutual support.*);
- Relationship with Opposing Team (*Team worked well with opposing team to contribute and not detract from achieving client's best interests*); and
- Post-Negotiation Analysis (*Team learned from today's negotiation.*).

For each criterion, judges can award a team member a score between 1 (weak) and 10 (strong), for a total of **60 points per judge per competitor**.

Thus, the **highest team score** available per judge for a Negotiation Round is 120.

## RULE 7: NEGOTIATION STANDARDS

The judging criteria do NOT presume one "correct" approach to effective negotiation: The strategies and techniques used will vary with the nature of the problem, the specific mix of personalities involved, and other circumstances. However, whatever approach is used, negotiation effectiveness can be judged at least in part by the outcome of the session, regardless of whether agreement was reached.

A good negotiation outcome is one that:

- Is better than the best alternative to a negotiated agreement (with this party);
- Satisfies the interests of:
  - the client - very well
  - the other side - acceptably (enough for them to agree and follow through)
  - third parties - tolerably (so they won't disrupt the agreement);
- Adopts a solution that is the best of all available options;
- Is legitimate - no one feels "taken";
- Involves commitments that are clear, realistic, and operational;
- Involves communication that is efficient and well understood, and
- Results in an enhanced working relationship or an agreement to negotiate further.

## RULE 8: ADVANCEMENT AND AWARDS

The team with the highest cumulative Team Score ***for each client side*** will advance into the Final Round.

The **Team Score** is the **sum** of the scores received by the team in its two Preliminary Round negotiations.

**A tie** shall be a precisely equal score to the second decimal place (the hundredths place). In the case of a tie, a team will advance to later rounds based on the following criteria:

- the highest single Team Score in a preliminary round match; if a tie still exists, then
- a coin flip, to be executed by a designated representative of the Board of Advocates

In the **Final Round**, the two teams go head-to-head, and the team with the higher Team Score earned in the Final Round will win the Final Round.

The Final Round will be judged by a panel of 3 judges.

Awards shall be given for:

- **Best Individual Advocate** (one award for each of the two preliminary rounds)
- **Best Team** (the winner of Final Round)

**Scouting is banned.** No participant may attend a negotiation other than the round(s) in which he/she participates. Non-team members and guests are not permitted in any preliminary round. Anyone may attend the Final Round.

## RULE 9: OUTSIDE ASSISTANCE

Teams may **submit questions about these rules** via email to [advocacyprogram@lsu.edu](mailto:advocacyprogram@lsu.edu). All responses will be sent to and will bind all teams.

The General and Confidential Information provided to the teams forms the total of all facts available to the parties.

**No factual clarifications to the case files will be made.**

Teams **cannot consult with or receive any assistance** from anyone outside their own team members in preparing for their negotiations.

This includes, but is not limited to, other students, professors (including non-law professors at other units of LSU, including the MBA school), lawyers, and judges.

Professor Brooks will post introductory negotiation skills materials on the Resources Page of the Advocacy Programs website (<https://www.law.lsu.edu/advocacy/resources/>) to assist all teams in their preparation. In addition, we recommend the following resources:

- Fisher & Ury, *Getting to Yes: Negotiating Agreement Without Giving In* (available on reserve in the Law Library)
- *Legal Negotiation In a Nutshell* (available in print in the Law Library Reserve Room and online [here.](#))