



HERBERT  
SMITH  
FREEHILLS

॥ न्यायस्तत्र प्रमाणं स्यात् ॥



## NLU DELHI - HSF INTERNATIONAL NEGOTIATION COMPETITION 2015

---

### COMPETITION RULES

---

Copyright © 2015

Herbert Smith Freehills LLP (HSF) and National Law University, Delhi (NLU Delhi)

All rights reserved.

HSF and NLU Delhi jointly hold 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 or NLU Delhi. Permission can be requested at: [hsf.nc@nludelhi.ac.in](mailto:hsf.nc@nludelhi.ac.in).

## TABLE OF CONTENTS

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



---

**NLU DELHI – HSF INTERNATIONAL NEGOTIATION COMPETITION 2015**

---

**1. GENERAL**

- 1.1 The second edition of the NLU Delhi - HSF International Negotiation Competition will be held at NLU, Delhi from 11-13 September 2015.
- 1.2 The Competition aims at providing an opportunity to law students of top universities to practice and improve their negotiation skills. It provides a platform to the meritorious students to compete in a truly diverse and an international environment, making negotiations more complex than usual. The competition is carefully structured to simulate legal negotiations particularly 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: (i) a common set of facts known to all participants; and (ii) confidential information known only to the participants representing a particular side.
- 1.4 Participation in the Competition is by invitation only.

**2. DEFINITIONS**

- 2.1 The definitions set out in Schedule 1 will apply throughout the Competition Rules, unless 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**

**Participating Team Composition**

- 3.1 Each Participating Team will: (i) consist of two Eligible Students; and (ii) 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 and denial of visa).
- 3.2 Each Participating Team may be accompanied by a maximum of one coach to assist them in preparation for the Negotiation Sessions. The coach may not be a person who has been approached by the Competition Administrator for being a judge or otherwise assisting with the Competition.

**4. NEGOTIATION SIMULATIONS**

- 4.1 Four Negotiation Simulations will be sent to all Participating Teams before the start of the Competition at a date communicated by the Competition Administrator. All Participating Teams will receive General Information for the two Preliminary Rounds, the Semi-Final and the Final Rounds.
- 4.2 Each Negotiation Simulation will consist of General Information for all parties and Confidential Information for each party.
- 4.3 The Participating Teams will be assigned the party 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 four Negotiation Simulations described above.
- 4.4 The Confidential Information for the Semi-Final and the Finals Rounds will be provided after the results of the Preliminary Rounds have been announced.

- 4.5 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.

#### **Clarifications to the Negotiation Simulation**

- 4.6 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.

#### **Interpretation of the Negotiation Simulation**

- 4.7 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.
- 4.8 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**

#### **Roles and Rounds**

- 5.1 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**".
- 5.2 Each Participating Team will be required to take part in two preliminary rounds, on the basis of which the Participating Team will proceed to the Semi-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.

#### **Time Limits**

- 5.3 In the Preliminary Rounds, each Negotiation Session will consist of 60 minutes, a break-up of which is as follows:
- 5.3.1 40 minutes for the actual negotiation;
  - 5.3.2 10 minutes (5 minutes per Participating Team) for questions from or feedback by the Judges; and
  - 5.3.3 10 minutes for the Judges to score the Participating Teams and their Negotiation Plan.
- 5.4 In the Semi-Final and the Final Rounds, each Negotiation Session will consist of 90 minutes, a break-up of which is as follows:
- 5.4.1 60 minutes for the actual negotiation;
  - 5.4.2 20 minutes (10 minutes per Participating Team) for questions from or feedback by the Judges; and
  - 5.4.3 10 minutes for the Judges to score the Participating Teams and their Negotiation Plan (if relevant).

- 5.5 The Judges will have complete discretion to:
- 5.5.1 alter the restriction on time limits set out in Rules 5.3 and 5.4 above; and
  - 5.5.2 impose a Penalty for failing to adhere to time limits for the actual negotiation prescribed herein.

### **Anonymity**

- 5.6 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 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.
- 6.2 The Negotiation Plans will contain a case analysis evaluating the respective strategic strong points and weak points of each party, their respective needs and interests, their respective BATNAs, and their respective objectives and goals during the Negotiation Sessions.
- 6.3 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 (refer to Schedule 3). A Negotiation Plan must:
- 6.3.1 only be printed on a plain white A4 paper with black ink;
  - 6.3.2 be no more than two pages long (excluding a front cover and back cover);
  - 6.3.3 only use the following format: Times New Roman, size 12, single line spacing, 1 inch margin (no text must be placed within this margin of the page, other than the page number); and
  - 6.3.4 not use footnotes; and
  - 6.3.5 not disclose the names of the team members, coach, institution or country in any part.
- 6.4 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.
- 6.5 The Participating Teams will not be permitted to modify their Negotiation Plans after the submission to the Competition Administrator.
- 6.6 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.
- 6.7 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 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.

### **Judging Criteria**

- 7.2 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 the Negotiation Plan;

The Negotiation Plans will contain a case analysis evaluating the respective strategic strong points and weak points of each party, their respective needs and interests, their respective BATNAs, and their respective objectives and goals during the Negotiation Sessions. It reflects what each team had 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 teams about their overall strategy.

7.2.2 the opening statement;

The opening statement includes a crisp assessment of the fact situation and highlights the key issues that the party has identified. Opening statements also lay out the 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, while the Clients are expected to focus on commercial aspects and take final decisions on the issues.

7.2.4 building relations with the other party;

A team should be able to stick to its key interests but also recognise and appreciate the position and interests of the other party. Participants should aim to develop a positive environment for communication and avoid being excessively aggressive or stubbornly blocking the negotiation from proceeding.

7.2.5 generation of creative solutions; and

Teams are encouraged to think out of the box. There are no restrictions on the types of solutions that they can agree to; however, these must not be illegal or beyond their powers, as per the information provided in the Negotiation Simulation.

7.2.6 analysis of interests and answering of questions during the feedback session.

Team should be in a position to identify their main interests for the Negotiation Session. Teams should be able to explain the strategies adopted, solutions suggested and rationale thereof to the Judges.

- 7.3 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.

**Questioning by Judges**

- 7.4 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, 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.

**Number of Judges in each round**

- 7.5 There will be at least one Judge for each Preliminary Round and at least three Judges each for the 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 Each judge will mark the team according to the judging criteria outlined in the Competition and/or decided by the Competition Administrator. The team that secures higher number of points on a particular judge's Score Sheet, will be the winner on that judge's Score Sheet.

- 8.2 The Judges will be informed that they cannot mark both teams with an equal score and must necessarily give higher marks to one team.

### **Ranking**

- 8.3 The Participating Teams will be ranked based on the following criteria:
- 8.3.1 total number of Score Sheets designating a "Win";
  - 8.3.2 in case of a tie, the total number of overall points; and
  - 8.3.3 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).

### **Progression**

- 8.4 The four top ranked Participating Teams from the Preliminary Rounds will advance to the Semi-Final Rounds. The higher ranked team in each of the Semi-Final Round 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 The Competition will involve the following:
- 9.1.1 Winner's Trophy: to be awarded to the Participating Team having the highest score in 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 having the lower score 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 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 in the Preliminary Rounds, which will include a cash prize;
  - 9.1.5 Certificate of Participation: to be awarded to each member of the Participating Team.

## **10. DISQUALIFICATION**

- 10.1 Subject to the discretion of the Competition Administrator, the following may result in disqualification of a Participating Team:
- 10.1.1 change in the composition of the Participating Team once communicated to the Competition Administrator;
  - 10.1.2 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;
  - 10.1.4 failure to submit the Negotiation Plan in accordance with the Competition Rules; and
  - 10.1.5 non-compliance with the Competition Rules.

## **11. PENALTY**

- 11.1 The Competition Administrator may impose penalty of a maximum 25 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; and
  - 11.1.2 stay within a reasonable interpretation of the Negotiation Simulation.

## 12. MISCELLANEOUS

### **Language**

- 12.1 The official and only language of the Competition is English.

### **Access to Score Sheets**

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

### **Notification to the Competition Administrator**

- 12.3 The submission of the Negotiation Plans, queries and clarification in relation to the Negotiation Simulations and any other questions/requests must be submitted to the following: [hsf.nc@nludelhi.ac.in](mailto:hsf.nc@nludelhi.ac.in)

### **Notification to the Participating Team**

- 12.4 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 as if the said Participating Team as a whole has been duly notified or informed.

### **Accommodation**

- 12.5 NLU Delhi will provide accommodation to the Participating Team only from 12 p.m. on 11 September 2015 to 12 p.m. on 14 September 2015.
- 12.6 NLU Delhi may, at its discretion, provide accommodation to anyone accompanying the Participating Team if the same is intimated to the Competition Administrator latest a month before the Competition Date provided that such extra member agrees to bear additional expense levied by NLU Delhi. Such extra members will not be considered a part of the Participating Team.

### **Time**

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

### **Dress Code**

- 12.8 Each member of the Participating Team will be dressed in formals for the duration of the Competition.

### **Residual**

- 12.9 The Competition Administrator may take such other measures as are required for the orderly and fair conduct of the Competition.
- 12.10 The Competition Administrator's interpretation as to the implementation of the 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.

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

**"Competition Rules"** means these rules of the Competition.

**"Competition"** means the NLU Delhi - HSF International Negotiation Competition.

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

**"Competition Date"** means 11-13 September 2015.

**"Eligible Student"** means a person who: (i) is enrolled in a full-time law degree on 1 September 2015 at the university which was agreed to participate in the Competition; and (ii) is not entitled to practice law in any jurisdiction, by having passed a bar exam or otherwise. 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 top 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 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 Judging Criteria.

**"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 60 or 90 minutes (which can be extended at the discretion of the Judges) during which the Participating Teams will negotiate a Negotiation Simulation.

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

**"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 form of a sheet enclosed at Schedule 3.

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

**"Negotiation Simulation"** means an official case distributed by the Competition Administrators, as supplemented or corrected by any Problem Clarifications, which Participating Teams will use as the basis of the Negotiation Session.

**"Semi-Final Rounds"** means the rounds in which the top four teams from the Preliminary Rounds will compete.

**"Score Sheet"** means the form of a sheet enclosed at Schedule 2.

**"Submission Date"** means 17 August 2015.



## SCHEDULE 2

### SCORE SHEET (NEGOTIATION SESSION)

Match-up: Team \_\_\_\_\_ v. Team \_\_\_\_\_

Room No: \_\_\_\_\_

CRITERION	TEAM _____	TEAM _____
<b>Negotiation Plan (20)</b> (Excellent: 18 - 20; Very Good: 15 - 17; Good: 11 - 14; Average: 7 - 10; Below Average: 0 - 7)		
<b>Opening Statement (10)</b> (Excellent: 9 - 10; Very Good: 7 - 8; Good: 5 - 6; Average: 3 - 4; Below Average: 0 - 2)		
<b>Team work (10)</b> (Excellent: 9 - 10; Very Good: 7 - 8; Good: 5 - 6; Average: 3 - 4; Below Average: 0 - 2)		
<b>Building relationship with other party (20)</b> (Excellent: 18 - 20; Very Good: 15 - 17; Good: 11 - 14; Average: 7 - 10; Below Average: 0 - 7)		
<b>Generation of creative solutions (10)</b> (Excellent: 9 - 10; Very Good: 7 - 8; Good: 5 - 6; Average: 3 - 4; Below Average: 0 - 2)		
<b>Analysis of relevant interests (20)</b> (Excellent: 18 - 20; Very Good: 15 - 17; Good: 11 - 14; Average: 7 - 10; Below Average: 0 - 7)		
<b>Feedback/ Questions Session (10)</b> (Excellent: 9 - 10; Very Good: 7 - 8; Good: 5 - 6; Average: 3 - 4; Below Average: 0 - 2)		
<b>Total (100)</b>		

Winner: \_\_\_\_\_

Judge's Name and Signature: \_\_\_\_\_



**SCHEDULE 3**

**PENALTY SCORE SHEET (NEGOTIATION PLAN)**

Team: \_\_\_\_\_

Round: \_\_\_\_\_

*Penalties incurred on the basis of Rule 6.3 and Rule 11*

Basis for Penalty	Penalty per violation	Penalty incurred
A4 paper size ( <i>Rule 6.3.1</i> )	2	
Plain white paper with black ink ( <i>Rule 6.3.1</i> )	2	
Two page limit ( <i>Rule 6.3.2</i> )	5 per page	
Font requirements (Times New Roman, size 12) ( <i>Rule 6.3.3</i> )	2	
Spacing – text ( <i>Rule 6.3.3</i> )	2	
Margins ( <i>Rule 6.3.3</i> )	2	
Use of footnotes ( <i>Rule 6.3.4</i> )	2	
Breach of anonymity of Negotiation Plan ( <i>Rule 6.3.5</i> )	5	
Late submission ( <i>Rule 11.1.1</i> )	5 per hour	