

# **ITALIAN NEGOTIATION COMPETITION 2021**

## **INFO AND RULES**

### **1. International Negotiation Competition**

The International Negotiation Competition (“INC”) is the first and largest international negotiation competition aimed at law students. The competition consists of a negotiation simulation in which students (two per team) compete on a practical case to reach an agreement before a judging panel made up of university professors and professionals of commercial and corporate law from all over the world. Each team represents a client in the negotiation of a possible international business transaction or in the resolution of an international dispute between two or more parties. The aim of the competition is to promote greater interest in negotiation and to provide law students with the tools to develop skills and abilities in the field of international transactions and disputes.

Participants are called to face and overcome the difficulties deriving from the cultural differences between the various competitors, as well as to deal with the multiple styles of negotiation, with ethical limitations, social norms and commercial practices widespread in the various countries.

In addition, the competition represents an important opportunity for students to meet and to get to know jurists, lawyers and professionals involved in the world of ADR.

The initiative was launched in 1998, when two American law schools, Creighton University and Pepperdine University, sponsored the first International Negotiation Competition.

The inaugural competition took place at Pepperdine University on the model of the Negotiation Competition organized by the American Bar Association Law Student Division.

Following the success of this initiative, the competition was welcomed with growing interest from students and law professionals.

To date, teams of university students from, among the others, Australia, Brazil, Canada, Denmark, France, Great Britain, Germany, India, Italy, Ireland, Japan, New Zealand, Norway Puerto Rico, Qatar, Russia, Singapore, Spain, South Korea, Switzerland and the United States of America regularly participate in the competition.

## **2. Italian Negotiation Competition**

The Italian Negotiation Competition is aimed at selecting the team of students who will represent Italy in the International Negotiation Competition. The competition is governed by rules almost identical to those of the INC. The next edition of the Italian competition will be conducted online on the 21<sup>st</sup> and 22<sup>nd</sup> May 2021 and, as specified above, the winning team will represent Italy in the international phase of the competition.

## **3. Participants**

Participants must be current law students. The teams consist of two students. Each team may have one or more coach(es). In case of justified absence of one of the participants, a substitute member may be appointed by the coach.

## **4. Negotiation cases**

The organization will provide a different case for each round of the competition. Each case will consist of both general information provided to all participants and confidential information provided to each team.

The cases will be sent to the participants, to the coaches and to the judges ten days

before the competition starts. The Judges will give access to a special package containing all the information.

## **5. Inventing Self-Serving Facts**

Teams are not allowed to use material self-serving facts. A material self-serving fact is one that significantly changes the relative leverage between the parties.

## **6. Clarifications**

The teams may ask any questions about the rules or about the fact patterns of the cases (both general and confidential information). Any questions may be submitted by e-mail to [italiannegotiationcompetition@gmail.com](mailto:italiannegotiationcompetition@gmail.com).

If one team raises a question that relates to the general information known by both sides, the clarification will be communicated to the opposing team as well as to the Judges.

## **7. Material**

During the pre-negotiation session, the negotiation session, or the reflection period, no prepared or outside materials may be presented to the other team(s). Only a blank piece of paper and a pen for each student will be admitted. Teams may also use calculators or time-keeping devices. Email, instant messaging and other means of communication are prohibited at all times during a round.

## **8. Language**

The competition will be conducted in English.

## **9. Rounds**

The competition will consist of two rounds per team. Unless otherwise announced, each team in each round will participate in a:

- i. 5-minute pre-negotiation session;
- ii. 60-minute negotiation session;

- iii. 10-minute period for teams to prepare their reflection;
- iv. 5-minute reflection period;
- v. 5-minute comment period during which the judges give the teams feedback.

### **a. Pre-negotiation session (10 minutes)**

The team members should address the following questions in front of the Judges:

- a) What do you see as the client's important goals in the upcoming negotiation?
- b) What negotiating style, strategy and/or tactics do you plan to use to accomplish those goals in the upcoming negotiation?
- c) Do you see any potential ethical issues arising in the upcoming negotiation and/or any other limitations on your role, including your authority?

### **b. Negotiation Session (60 minutes) and Breaks**

The teams will start the 60 minutes' negotiation session. The Judges should not interfere during this period.

During this session, each team may call either one five-minute break or two three-minute breaks. The 60-minute period will continue to run during any such break. The team calling the break must leave the online room during the break. During a break, teams may not confer or pretend to confer with any other person, including their 'clients'. The teams can only call breaks during the 60-minute negotiation session.

### **c. Reflection period/Feedback**

After the negotiation session, the Judges and the participants will have 15 minutes for private reflections to analyze their performance and to prepare their self-analysis. During this time, the teams may not confer with any other person.

The participants will then have 10 minutes to present their self-analysis. Judges will ask questions.

These questions may be, but are not limited to, the following:

- a. Reflecting on the entire negotiation, how well did your strategy work in relation to the outcome?
- b. If you were to be face with a similar situation tomorrow, what would you do differently? What would you stick with?
- c. What potential or actual issues of professional responsibility, if any, arose during the negotiation?
- d. How did actual or potential issues of professional responsibility, if at all, affect any strategic choices that you made or avoided?

#### **d. Timekeeping**

Responsibility rests with the student participants for timekeeping and for adherence to the allotted time periods and breaks.

### **10. Judges**

Each round will be observed and evaluated by a panel of three Judges.

Prior to judging, the organizers will provide each Judge with the necessary judging material. Such a material includes a complete copy of the negotiation case, and a Judge pack containing, *inter alia*, the standards and criteria for judging.

### **11. Scoring**

The Judges will evaluate the performance of the participants according to the standards and criteria provided, and according to their own evaluation.

Each judge will assign each team a score in accordance with the scoring sheet.

The team with highest average total score after two rounds wins the competition.

### **12. Award**

The winning team will be given the opportunity to participate in the International Negotiation Competition which will be conducted online in June 2021.

### **13. Sanctions for breaches**

Breach of any rule may result in disqualification.

The organization has full discretion to change ranking of the offending team in round, disqualify the team from winning the competition, issue a reprimand or impose no penalty with respect to breaches. When a penalty is imposed, the rankings of the other teams in that round shall be adjusted upward if appropriate.

### **14. Complaint**

Any complaint will have to be made not later than 1 hour after the round. The coach of the team will have to present it to the organization. The organization will discuss the matter with the Judges of the round. The final decision will not be appealable.