



JUNIOR NEGOTIATIONS COMPETITION 2016

A guide to the negotiations competition for first years.

Roshni Mehra
Vocational Officer
roshni.mehra.13@ucl.ac.uk
07947763392

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The Simmons and Simmons Negotiations Competition is a great opportunity to hone your advocacy skills as teams of 'lawyers' sit down and attempt to negotiate the best deal for their 'clients'.

You and your partner will represent one party in a dispute of some kind and will be given a scenario and confidential facts to read half an hour in advance of the first round. It is your task to reach an equitable compromise with the opposing side.

This will not only be excellent practice for a career as a solicitor or barrister but is also extremely useful in training contract interviews when you will certainly have to think on your feet.

There is no preparation required, and you do not need to know any law in advance. Simply sign up, turn up, read the handouts you will be given, and off you go!

The competition is great fun and gives you the chance to not only 'walk the walk' but also 'talk the talk'.

Get involved

Most disputes which lawyers are asked to deal with do not end up in the courts, instead they are solved by some form of compromise between the parties - a negotiated agreement. Getting the best deal for your client can often involve some skilful negotiation, and it is something which you will have to do on your LPC/BPTC and as part your trainee solicitor's legal skill course.

OVERVIEW

Format

In the Negotiation Competition, a team of two law students representing one party in either a dispute or transaction negotiates with the opposing team to ascertain the best possible deal for their client. It is important to stress that you are the representatives of the client, not the client themselves.

Just before the start of the round, participating teams will receive a common set of facts and some confidential information known only to the participants representing a particular client. You may have to negotiate a settlement in a divorce case, sponsorship deal, merger, etc.

After reading your facts, planning your argument and deciding which areas you will be willing to compromise on, you will face another participating team for thirty minutes.

The aim is to leave the negotiating table feeling that you have done your best to promote your client's interests.

Assessment

Teams will be assessed on their own performance, with the highest scoring team of each negotiations progressing to the next round of the competition.

The assessment criteria listed below are used for the regional competition. We will follow these in the internal competition as well. After each category, certain questions are asked of the judges which they will consider when evaluating the performance of each team. You should bear these in mind during the competition, to ensure the judges answer the questions positively with regards to your team.

Negotiation planning

Judging from its overall performance and apparent strategy, how well prepared for the negotiations did this team appear to be?

Flexibility of team's strategy

How flexible did this team appear to be in adapting its strategy to the negotiation as it developed; reacting to new information or to unforeseen moves by the opposing team?

Team work

How effective were the negotiators in working together as a team; sharing responsibility and providing mutual backup?

Relationship between negotiating teams

Did the way the team managed its relationship with the other team contribute to or detract from achieving the team's client's best interests?

Negotiation ethics

To what extent did this negotiating team observe or violate the ethical requirements of a professional relationship?

Outcome of session

Based on both the negotiation and the self-analysis *and regardless of whether an agreement was reached*, to what extent did the outcome of the session serve the goals of the team's client?

Self-analysis

Teams should begin this ten-minute period by answering the following questions:

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

(b) “How well did your strategy work in relation to the outcome?”

Tips

- Be firm but fair** - you must be willing to give a little; you can't reach a compromise if you refuse to budge on any points!
- Be professional** - make sure that you greet the other side, introduce yourself - use words like 'my colleague' to refer your partner and mention what firm you are from and who you are representing.
- Tackle the issues arising in the set of facts one by one, most important first.
- Try to lead the discussion and be pro-active - try to avoid awkward silences if you can! Let the other side make the points as well though.
- There is not much need for 'real law' to be quoted - what needs to be sorted out should be obvious from the facts.
- Don't talk over your partner - good teamwork is essential.
- You may have questions which you need to ask the other side, and some problems may involve financial matters to be settled.
- Always remember that you must act in your client's best interests at all times - there may be some facts which you are privy to that the client does not want you to disclose to the other side.
- At the end of the session, sum up what you have agreed and highlight anything that needs being considered as a 'follow-up' to your meeting.

Useful phrases

- “Our client has advised us/specified that...”
- “Can we just return to the previous point...”
- “I’m afraid that is as much as we are to prepare to say on the matter...”
- “We feel it necessary to compromise with you on this point - it is in both our client’s best interests to successfully resolve this issue.”