

WALSH NEGOTIATION COMPETITION - SCORING RUBRIC

Criteria Description	Very Poor	Poor	Adequate	Good	Very Good
Presentation of Case in Opening Statement and Throughout - Presented facts and law in a way that could be heard productively by other side, - Accurately assessed and discussed litigation/arbitration benefits and risks, as well as other consequences of failing to reach settlement.	1	2	3	4	5
Teamwork Between Counsel - Both Counsel will participate in session - Effectively divided responsibilities in light of Client's strengths and vulnerabilities. - Communicated effectively with each other and remained in respective roles throughout. - Worked together as a coordinated Team while demonstrating solid advocacy skills.	1	2	3	4	5
Problem-Solving Relationship Building - Established a problem-solving relationship with other side, if possible. - Recognized other side's interests and tried to satisfy them, when possible, given Client's Interests and was, where appropriate, open to proposals made by the other side. - Took initiatives to convert other Team into problem-solvers.	1	2	3	4	5
Information Gathering and Communications with Other Side - Used active listening skills to promote effective communications and move talk forward. - Used appropriate questioning techniques to gather information. - Tested assumptions and collected necessary information at appropriate times. - Used information available during the negotiation to formulate integrative solutions. - Sensitively used techniques to ensure effective communication when one side or both encountered a miscommunication, impasse or other barrier.	2	4	6	8	10
Using Opportunities in the Process Negotiation - Chose wisely if/when to use a break. - Responded appropriately to developments that occurred during negotiation, especially new information and unforeseen moves by other side.	2	4	6	8	10
Advocating Client's Interests - PART A - Understood and advanced Client's legal and non-legal interests throughout the session. - Used advance preparation demonstrated in Representation Plan to good effect. - Demonstrated flexibility in the face of new information. - Shifted from one negotiating style (i.e. cooperative or competitive) to another, where required, to advance Client's interests.	1	2	3	4	5
Advocating Client's Interests - PART B - Did not sacrifice Client's interests in order to be collaborative. - Did not sacrifice Client's interests in order to seek competitive advantage. - Strategically followed through on advance preparation demonstrated in Representation Plan.	1	2	3	4	5
Generating and Selecting Creative Options - Generated a range of legal and non-legal options to meet Client's interests, as well as interests of other side. - Evaluated and selected options based on interests and, where appropriate objective criteria. - Actively encouraged the development of creative ideas. - Effectively managed distributive features of dispute (effectively bridged any final gaps). - Adopted practical and realistic solutions to problems, took financial considerations into account, incorporated new information and the ideas of others into proposals. - Used a negotiating style (i.e. cooperative or competitive) that was appropriate given the Client's interests, aspiration level and negotiating goal(s) in the process.	2	4	6	8	10
Sub Totals (add numbers in each column)					
<i>Penalty / Deduction(s)</i>					
TOTAL SCORE / 55	WIN		LOSE		